

3935
1165
A
CLEAR, SIN-
CERE, AND MODEST

confutation of the vnfound, fraudu-
lent, and intemperate Reply of T. F. who is
knowne to be Mr. Thomas Fitzherbert
now an English IESVITE.

Wherein

ALSO ARE CONFUTED THE
chiefeft obiections which D. Schulckenius, who
is commonly said to be Card. Bellarmine, hath made
against WIDDRINTONS Apologie for the
right, or Soueraigntie of temporall PRINCES.

Thio.
pre

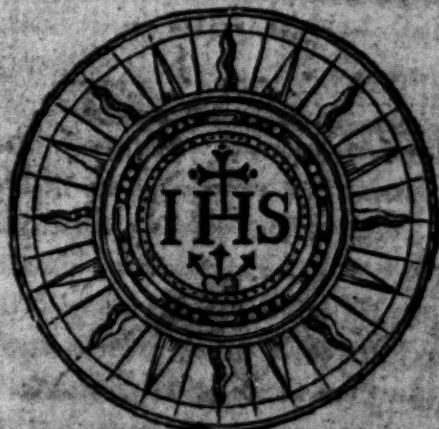
BY

Roger Widdrington an English Catholike.

Hutcheon
2-8

LUKE 6.

Benedicite maledicentibus vobis, & orate pro calumniantibus vos.
Blesse them that curse you, and pray for them that calumniate you.



Permissu Superiorum 1616.

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GOVERNMENT
OF THE DISTRICT OF COLUMBIA

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Washington, D.C.

THE DISTRICT OF COLUMBIA

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1878



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THE CONTENTS of this Treatise.

The Epistle to English Catholikes.

Wherein

1. **I**T is shewed first, that it is not safe for the consciences of Catholikes to adhere alwaies to the Pope, and neglect the command of their temporall Prince.

2 That if the Pope should exact from Catholikes, that obedience, which is due onely to their temporall Prince, they should by obeying the Pope disobey the command of Christ, and be truly traitours to their Prince.

3 That it is possible for Popes to challenge such an obedience, and that de facto Pope Boniface did challenge it of the King, and inhabitants of France.

4 That it is probable, that the Pope that now is, in condemning the late Oath of Allegiance, and in challenging a power to depose temporall Princes, demandeth of English Catholikes the foresaid temporall Allegiance, and usurpeth that authoritie, which Christ hath not given him.

5 That although it should be granted, that it is probable, that the Pope hath such an authoritie, yet so long as it is but probable, it is titulus sine re, a riele, which can neuer be put in execution without manifest disobedience to God, and iniustice to temporall Princes.

6 That the Pope neither is the Iudge of temporall Princes in temporall causes, nor as yet by any authenticall instrument hath defined, that he hath power to depose temporall Princes, and that therefore it is probable, that he hath no such power.

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7 That the manner of his Holinesse proceeding in condemning my bookes, and commanding me to purge my selfe, and the fallacious dealing of my Aduersaries, doth clearly shew, that they in their consciences are not perswaded, that the doctrine for the Popes power to depose Princes, is a point of faith.

8 The causes of the beginning and increase of this doctrine are briefly insinuated, and that if all temporall Princes would use the like meanes to defend their Soueraigntie, this controuersie would be quickly at an end.

9 That Catholikes are bound to read, and examine this question, otherwise their ignorance will be willfull, damnable, and inexcusable.

10 That they may lawfully read my bookes, notwithstanding the Popes, or rather Card. Bellarmines prohibition to the contrary, and that I deserved not at their hands such vnecharitable words and deeds, for the lone and paines I haue taken for their sakes.

The Preface to the Reader.

Wherein

M.^r Fitzherberts Preface is confuted, the matter, which Widdrington handleth, and the manner how he proceedeth therein is declared, and his doctrine proved to be truly probable, and to be neither preiudiciall to his Maiesties seruice, nor to the consciences of Catholikes, and the exceptions of D. Schulckenius against that rule of the Law brought by Widdrington, In dubijs melior est conditio possidentis, In doubts, or disputable causes, the condition of him who hath possession, is to be preferred, are confuted.

The first Part.

wherein

The authorities, and testimonies of those learned Catholikes

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tholikes, which Widdrington in his Theologicall Disputation brought against the Popes power to depose Princes, (and which M.^r Fitzherbert cunningly passeth over, and for answer to them remitteth his English Reader to D. Schulckenius a Latine writer) are briefly and perspicuously examined, and the Replies, which Doctor Schulckenius maketh against them, are confuted.

Chap. 1.

Wherein the authoritie of Iohn Trithemius an Abbot, and famous writer of the order of S. Benedict, is examined, and the exceptions, which D. Schulckenius taketh against it, are overthrowne.

Chap. 2.

Wherein the authoritie of Albericus Roxarius, a famous Lawyer, and Classicall Doctor, is examined, and the exceptions of D. Schulckenius, against it, are confuted.

Chap. 3.

Wherein the authoritie of Ioannes Parisiensis, a famous Doctor of Paris, is examined, and the exceptions of D. Schulckenius against him are proved to be insufficient.

Chap. 4.

Wherein the authoritie of M.^r Doctor Barclay, a famous and learned Catholike, is briefly examined.

Chap. 5.

Wherein are set downe the authorities of many English Catholikes, who haue publicly declared their opinions, as M.^r George Blackwell, M.^r William Warmington, M.^r Iohn Barclay, M.^r William Barret, Bishop Watson, Abbot Fecknam, Doctor Cole, both the Harpesfields, M.^r Edward Rishton, M.^r Henry Orton, M.^r Iames Bosgraue, M.^r Iohn Hart, M. Iames Bishop related by M.^r Camden, and those thirteene learned, and vertuous Priests, and most of them, as yet living, whose names I related in my Theologicall Disputation, and whose protestation, which I set downe ver-

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verbatim in my Appendix to Suarez, must needs suppose, that the Pope hath no power to depose Princes, as out of Suarez I convince in this chapter.

Chap. 6.

Wherein the authority of the Kingdome and State of France is largely debated, the exceptions which D. Schulckenius taketh against Petrus Pithæus and Bochellus are confuted, and Sigebert is defended from Schisme, of which he is wrongfully taxed by Card. Baronius and D. Schulckenius.

The second part.

wherein

All the principall arguments, which Card. Bellarmine bringeth to proove the union and subordination of the temporall and spirituall power among Christians, whereon Mr. Fitzherbert, and all the other vehement maintainers of the Popes power to depose Princes, doe chiefly ground that doctrine, together with the Replies, which are brought by D. Schulckenius to confirme the same union and subordination, are exactly examined.

Chap. 1.

Wherein the true state of the question concerning the union of the temporall and spirituall power among Christians is declared.

Chap. 2.

Wherein the argument of Card. Bellarmine taken from those words of S. Paul, Wee being many are one body in Christ, to proove, that the temporall & spirituall power among Christians doe make one totall body, or commonwealth, whereof the Pope is head, is answered, and Card. Bellarmine convinced of manifest contradiction.

Chap. 3.

Wherein the authoritie of S. Gregory Nazianzene comparing the temporall and spirituall power among Christians to the body and soule in man (which is so often urged by

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by Card. Bellarmine to prooue, that the temporall and spirituall power among Christians doe make one totall body, as the body and soule doe make one man) is declared, and cleerely prooued by Card. Bellarmine owne grounds to make nothing for his purpose.

Chap. 4.

Wherein the true state of the question concerning the subiection and subordination of the temporall power among Christians to the spirituall is propounded, and the different opinions of Catholikes concerning this poynt are rehearsed.

Chap. 5.

Wherein the first argument of Card. Bellarmine taken from the ends of the temporall and spirituall power, to prooue, that the temporall power among Christians, as it is temporall, is subiect to the Ecclesiasticall, as it is Ecclesiasticall, is propounded, Widdringtons answer to the same related, and D. Schulckenius Reply therunto cleerly confuted.

Chap. 6.

Wherein Card. Bellarmine's second argument to prooue the same, taken from the vnion of Kings and Bishops, Clerkes and Laikes in one Church is rehearsed, the Answer of Widdrington, of Mr. D. Barclay, and of Mr. Iohn Barclay thereunto is related, and Card. Bellarmine's Reply to the same is most cleerely overthrowen.

Chap. 7.

Wherein Card. Bellarmine's third argument, to prooue the same, taken from the obligation, by which Christian Princes are bound to change their temporall government, if it hinder the spirituall good, is related, Widdringtons answer to the same rehearsed, and D. Schulckenius Reply therunto prooued to be unsound, fraudulent and repugnant to his owne grounds.

Chap. 8.

Wherein Card. Bellarmine's fourth argument, taken from the authority of S. Gregory Nazianzene comparing the

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the temporall and spirituall power among Christians to the body and soule in man, is cleerely conuinced to bee no fit similitude to prooue, that the temporall power among Christians is per se subiect to the spirituall, and that the Pope hath power to dispose of temporals, and to depose temporall Princes, but that is rather a fit similitude to prooue the flat contrary.

Chap. 9.

Wherein the fift argument of Card. Bellarmine taken from the authority of S. Bernard, and Pope Boniface the eight, affirming that in the Church are two swords, and that the sword is vnder the sword, is rehearsed, Widdringtons answer thereunto related, D. Schulckenius Reply confuted, and cleerely prooued that S. Bernard doth nothing fauour, but expressely impugne the Popes power to vse the temporall sword, and that Pope Boniface did challenge a direct temporall Monarchie ouer the whole world, and that Extrauagant vnā Sanctam, was reuersed by Pope Clement the next Successour but one to Boniface; and withall that Pope Boniface his words may be vnderstood in a true sense.

Chap. 10.

Wherein Card. Bellarmines sixt and last argument, taken from the authoritie of Pope Innocent the third, comparing the spirituall and temporall power to the Sunne and Moone, is answered.

Secondly Card. Bellarmines reasons, which moued him to recall his opinion touching the subiection of S. Paul to Cæsar, and of Cleargie men to temporall Princes, are confuted, and some of them by his own grounds; whereby it is cleerely proued, that without iust cause he hath departed from his ancient, and the common doctrine of the Schoole Diuines to follow the Canonists, and also that not without some note of temeritie he hath condemned as improbable the common opinion of the Schoole Diuines, who also follow therein the Ancient Fathers.

Thirdly, the true state of the question concerning the power

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power of spirituall Pastors to exempt Cleargie-men from the authoritie of temporall Princes, is declared, whereby it is made apparant, how weake or strong an argument can be drawne from the Popes power to exempt Cleargie men from all subiection to temporall Princes, so prone his power to deprive temporall Princes of their Regall authoritie.

The Adioynder.

Wherein first it is cleerely shewed, that Widdrington hath truely charged M^r. Fitzherbert with falsitie in two respects.

2 Widdringtons first exposition of that clause of the oath [Also I doe from my heart abhorre, detest and abiure as impious & hereticall, this damnable doctrine and position, That Princes which be excommunicated or deprived by the Pope may be deposed or murdered by their Subiects or any other whatsoeuer] is proued to be sound and sufficient, and to be void of all absurditie, or contradiction, as is conuincd by those foure examples of propositions, which M^r. Fitzherbert bringeth to confute the same.

3 M^r. Fitzherberts fraude and ignorance are discovered, and the causes of his error are declared.

4 The two vsuall significations of the word hereticall among Catholikes are laid open, whereby it is made manifest, that not onely the doctrine of murdering, but also of deposing Princes may bee truely abinred for hereticall.

5 Widdringtons second exposition of the aforesaid clause is proued to be sound, and agreeable to the common sense and understanding of the words, and M^r. Fitzherberts exceptions against the same are proued to be insufficient, and not agreeable to the approued rules assigned by Diuines and Lawiers for the interpreting of the words of euery Law.

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6 Lastly, Widdrington from the premises draweth
four conclusions cleane opposite to the foure conclusions,
which M^r. Fitzherbert from his premises collecteth: and
finally he concludeth, that neither this clause, nor any other
is sufficient to make the oath unlawfull, or to moue any
Catholike to refuse the same, adding withall, what little
hope of sinceritie, and sufficiencie the Reader may expect
from the rest of M^r. Fitzherberts Replies, seeing that in
this (of which neuerthelesse hee and his fauourers doe so
greatly bragge) hee hath shewed such great want of lear-
ning, and sinceritie.

TO



TO ALL ENGLISH
CATHOLIKES, who are

*of opinion, that the Pope hath power
to depose temporal PRINCES,*

ROGER WIDDRINGTON

their Brother and Seruant in

*CHRIST witheth true zeale,
knowledge, and felicitie.*

I



*Haue written here a Treatise in
answere to M^r. Fitzherberts
Reply, touching the POPES
power to depose PRINCES,
and the new oath of Allegi-
ance, which I thought fit to*

*Dedicate to you, Deare Countrimen, those especi-
ally, who haue taken upon you a charge to teach, and
instruct others, for that the matter, which here is
handled, doth as much concerne your soules, and con-
sciences, or rather much more, then my owne. Doe
not you imagine, that when there is a controuersie be-
twixt his Holinesse, and your Soueraigne, concer-
ning your spirituall, and temporall allegiance, you may
safely, and without danger of deadly sinne adhere to*

The Epistle Dedicatorie.

his Holinesse, and forsake your Soueraigne, vntlesse you duly examine the right, and title which either haue: for that by the law of G O D, and Nature you are bound to giue to G O D, and Cæsar that which is their due; that is, spirituall obedience to your spirituall Pastours, and temporall allegiance to your temporall Prince. Wherefore if the Pope should challenge, and exact from you not onely spirituall obedience, which is due to him, but vnder colour of spirituall obedience, should demand also temporall allegiance, which is not due to him, but onely to your temporall Prince, you should in obeying the Pope therein yeeld him that obedience, which is due only to your temporall Prince, and so transgresse the law of G O D and nature, and consequently it being a matter of so great moment, you should, according to the approued doctrine of all Diuines, by yeelding such obedience incurre a most heinous deadly sinne.

2. For as there are but two only supreme powers on earth, to which all Christian subiects doe owe obedience and subiection, to wit, spirituall, which doth reside speciallie in the chiefe spirituall Pastour, who in things spirituall is supreme, and temporall power, which doth reside in temporall Princes, who in things temporal are supreme, and subiect to none but God; So also there be only two subiections, and obediences answerable thereunto, to wit, spirituall and temporall: So that if such a power, or obedience be not spirituall, it must of necessitie be temporall, and with the same certaintie or probabilitie, that one is perswaded such an authoritie not to be spirituall, he must be perswaded that it is temporall. That authoritie is spirituall,

all, and due onely to the Pope, which Christ hath giuen to his Church, and the spirituall Pastours thereof; All other supreme authoritie is temporall, and due only to temporall Princes. And therefore if it be probable, as in very deede it is, and as you may see it in this Treatise clearly conuincd so to be, that the Pope hath no authority giuen him by Christ to depose Princes, it is consequently probable, that the aforesaid authoritie (if there be any such authoritie on earth to depose Princes) is not spirituall but temporall, and that therefore, who soeuer granteth it to the Pope, doth giue to him that obedience, which is due to temporall Princes, and consequently he doth against the expresse command of Christ, not render to God and Cæsar, that which is their due.

3. Well then thus you see, that if the Pope should challenge that obedience as due to him by the institution of Christ, which Christ hath not giuen him, and which consequently is due only to temporall Princes, he should vsurpe that authority, which he hath not, & in so doing he should transgresse the law of God and Nature, and those subiects, who should adhere to him, and yeeld him that pretended spirituall obedience, should also transgresse the law of Christ, and be not only pretended, but true Traitors both to God and their Prince, in not acknowledging their Prince to be their true Soueraigne, by yeelding that obedience, which is due to him to an other, and so by taking from him his supreme power, or soueraingtie, and giuing it to an other Prince, which in very deed is to take the Diademe, which doth signifie his supreme authoritie, off from his head, and place it upon the head of an other.

The Epistle Dedicatorie.

4. Now there is none of you, as I suppose, of so meane understanding, that can imagine, that the Pope is so infallible in his opinion, iudgement, or any declarative command grounded thereon, as that he can not possibly erre therein, and challenge that authority as due to him by the institution of Christ, which neuerthelesse Christ hath not giuen him, but it belongeth only to temporall Princes. This you may see by experience in Pope Boniface the eight, who pretended, that Philip the faire the most Christian KING of France, was subiect to him in spiritualls and temporalls, and declared them to be heretikes, who should beleue the contrarie: and that he was a temporall Monarch of the Christian world, and therefore that the kingdome of France by reason of the disobedience, and rebellion of Philip their King, was falne into the hands of the See Apostolike: for which cause Pope Boniface was taxed by many learned Catholikes of great impudencie, pride, and arrogancie: and his extrauagant, Vnam Sanctam, which he made to curbe the said King of France, declaring that the temporall sword is subiect to the spirituall, and temporall power to spirituall authoritie, was reuersed by Pope Clement the fift, the next Successour but one to Pope Boniface, who declared, that by the definition, and declaration of Pope Boniface in his extrauagant, Vnam Sanctam, no preiudice should arise to the King, and kingdome of France: and that by it neither the King, kingdom, or inhabitants of France should be more subiect to the Church of Rome, then they were before, but that all things should be vnderstood

to

to be in the same state, wherein they were before the said definition, as well concerning the Church, as concerning the King, Kingdome, and Inhabitants of France. The like temporall authoritie Pope Sixtus the first, if he had liued, would also haue challenged, for that as I haue been credibly informed by diuers Iesuites of good account, who then liued at Rome, hee did intend to suppress Card. Bellarmines first Tome of Controuersies, because he did not with the Canonists grant to the Pope this direct temporall Monarchie ouer the whole Christian world.

5 So that the onely controuersie now is, whether the Pope hath de facto erred or no, in declaring the oath of allegiance to be vnlawful, and to containe in it many things flat contrarie to faith and saluation, upon this supposall, that it is a point of Faith, that the Pope hath authoritie giuen him by Christ, to depose Princes; which is the substance of the oath, as Fa: Suarez ^a acknowledgeth, and the maine question betwixt my Aduersaries and mee, as M.^r. Fitzherbert ^b in expresse words confesseth. Now you may see, if you please to reade, that I haue cleerely proued in this Treatise, that it is probable, that the authoritie, which the Pope claimeth to depose Princes, is not true, but vsurped, not granted him by Christ, but giuen him by men contrarie to those expresse words of CHRIST, ^c Render the things that are Casars to Cesar, and the things that are Gods, to God. And therefore consider, I pray you, in what danger you stand, of doing great iniury to your Soueraigne, and committing flat treason

^a Lib 6 Defens. Fidei seruetur totum.

^b In the end of his Preface.

^c Math. 22.

The Epistle Dedicatorie.

treason against his Royall person and Crowne, if you rashly, and without due examination follow the Popes opinion, iudgement, or also declaratiue command grounded thereon, who, under pretence of demanding of you a profession of his spirituall authoritie, and your spirituall obedience, exacteth in very deede not spirituall allegiance, but that obedience which is probably thought by many learned Catholikes to be a meere temporall allegiance, and due onely to your temporall Prince.

6 But obserue, deare Countrimen, a more manifest, and dangerous gulf, into which for want of due consideration you may easily cast your selues. For if once you grant, that it is probable, that it is a controuerisie, that it is a disputable question, as in very deed it is, and as I thinke very few of you, who haue studied this question, are perswaded to the contrarie, that the right, title, power, and authoritie, which the Pope challengeth to depose Princes, is no true title, but pretended, a meere temporall, and not a true spirituall authoritie, although I should grant you also for Disputation sake, of which as yet I doe not dispute, that it is also probable, that the said title is good, and that the Pope hath such an authoritie to depose Princes given him by Christ, yet there is none of you so simple, but if you will duely consider, will presently perceiue, that this title, so long as it is in controuerisie, is *titulus sine re*, a meere title, which so long as it is disputable, and debated on either side, can neuer be put in practise by any man, what opinion so euer he follow in speculation, without doing the Prince, who is deposed by the Pope, manifest wrong, and

The Epistle Dedicatorie.

and if he be a subiect, by committing that detestable crime of treason in a most high degree.

7 For if any one of you should be in lawfull possession of a house, iewel, or any other thing, whereunto an other man pretendeth a title, and claimeth a power to dispose thereof, and perchance it is also probable, that his title is in very deede the better, and his Lawiers doe bring strong reasons, and evidences to confirme the same, would not you thinke, that it were a manifest wrong, as in deed it were, and against the knownerules of iustice grounded upon the light of reason, that your Aduersarie, or any other in his behalfe, notwithstanding the probabilitie of his title, should put you out of possession, and take it away from you by violence, before the Iudge had decided the controuersie?

8 And if any one should Reply and say, that the Pope is our Soueraignes Iudge; to whom also all Christian Princes are subiect, and that hee hath decided this controuersie betwixt him and our Prince, and defined, that this his title to depose our Prince and all other Christian Princes, is a true and not onely pretended, a spirituall, and not a temporall title, he is manifestly deceiued. For neither is the Pope the Iudge of temporall Princes in temporall causes, wherein they are supreme, and subiect to none but God; neither hath the Pope as yet decided this controuersie, or defined by any Generall Councell, or any other authenticall instrument (for I will not at this time contend what authority the Pope hath to define matters of faith without a Generall Councell) that this title, and authoritie which hee challengeth to depose
C Princes,

The Epistle Dedicatorie.

d Tom. 2. lib.
11 cap. 9. 3.

e See beneath
part. 1. cap. 1.

Princes, is a true spirituall title, and an authoritie granted him by the institution of Christ. For concerning this point Popes, and Emperours haue euer beene at great variance, as well said Fa: Azor,^d and it is in controuersie among Catholike Doctors, as I haue conuincd in this Treatise, and as yet the controuersie is not decided by the Iudge, as Abbot Trithemius^e doth well affirme.

9 And if any one should perchance imagine, that his Holinesse that now is, hath by his late Breues decided the controuersie, and defined, that hee hath authoritie to depose Princes, hee is also most grosely mistaken; both for that there is not so much as one word mentioned in any of his Breues concerning his authoritie to depose Princes, but onely in generall words he declareth, that Catholikes ought not to take the oath, for that it containeth many things flat contrarie to faith and saluation, but what those many things be he doth not expresse (and perchance he might imagine at the first sight, as Card. Bellarmine did, that the Popes power to excommunicate, to binde and loose, to dispence in oathes is denyed in the oath, and that it was framed to make a distinction betwixt Protestants and Catholikes touching points of Religion, al which how untrue they are I haue cleerely shewed in my Theologicall Disputation) but especially for this reason hee is fowly mistaken, because there is not in the Breues any one of those words, which, according to the doctrine of Card. Bellarmine, and other Diuines related by me in the aforesaid Disputation^f, are required to make an infallible definition, and finall decision of a point of faith.

Neither

^f Cap. 10. sec. 2.
nn. 32. & seq.

The Epistle Dedicatory.

Neither is every Breue, or Apostolicall letter of the Pope, although it be registred in the body of the Canon Law among the Popes Decretall letters, a sufficient instrument to define matters of faith, for that in them is commonly contained onely the Popes opinion concerning some doubtfull case, or question, and not a finall decision or definition, which all Catholikes are bound to follow. Otherwise it must needes be granted, that Popes haue defined in their Breues false doctrine, and also heresie, as may bee seene in the Decretall letters, and Breues of Pope Celestine the first, Pope Nicolas the third, and Pope Boniface the eight, as also I obserued in the aforesaid Disputation ^g:

10. Tea both the very manner of his Holinesse proceeding in condemning the oath in such generall words, for that it containeth many things flat contrary to faith and saluation, not declaring any one of those many things, although he hath been in some sort urged therunto by his Maieesty, ^h & we also his Catholike subiects, whom it most concernes, haue most humbly and most earnestly requested it at his hands, ⁱ and the forbidding of my bookes also in such generall words, not declaring whether they are forbidden, for the matter which they handle, or for the manner, or in respect of the persons against whom they are written, or for some other cause, but especially, and which is more strange, and contrary to the practise of all tribunals, the commanding of mee to purge my selfe forthwith, and that vnder paine of Ecclesiasticall Censures, without signifying any crime at all, either in generall or particular, whereof

g Cap. 10. sec.
2 nu. 47. 48.

h In his Apolog.
pag. 7.
num. 5.

i Disput. Theolog.
in the Epistle to his
Holinesse.

The Epistle Dedicatorie.

I should purge my selfe, are manifest signes to a prudent man, that latet anguis in herba, and that they themselves doe distrust their owne cause. Can any prudent man imagine, that if his Holinesse, or the most Illustrious Cardinals of the Inquisition, were fully perswaded, that the Popes power to depose Princes is a point of faith, & defined by the Church so to be, as Card. Bellarmine, and some few other especially Iesuits would enforce the Christian world to beleene, and that they were able to convince the same either by holy Scriptures, Apostolicall traditions, decrees of sacred Councils, or any other convincing reason, they would forbear to signifie the same, especially being so greatly urged thereunto?

II. Besides the manner also of my Aduersaries handling this controuersie, in corrupting my words, perverting my meaning, concealing my answers, altering the true state of the question, confounding the Readers understanding with ambiguous words and sentences, and being requested to insist upon any one place of holy Scripture, authoritie of sacred Council, or any other Theologicall reason, which they shall thinke to be most convincing, that thereby the controuersie may quickly bee at an end, their flying from one place of holy Scripture to another, from one Council to another, from one Theologicall reason to another, their fallacious arguing from the facts of the Apostles, yea also and of those Prophets, who were no Priests, which were done miraculously, and by an extraordinarie power, or by the speciall command of Almighty God, to prooue the like ordinarie power to be in spirituall Pastours, from the pra-

tises

The Epistle Dedicatory.

Crises of certaine Popes, who were resisted therein both by Christian Princes and people to inferre the practise of the Church, which is a congregation of all the faithfull &c. from the opinion of very many Doctours, or also of the Church onelie probably iudging or thinking, to conclude the faith of the Church firmly beleenuing or defining, from the Popes power to command temporals, to gather the Popes power to dispose of temporals, from the Popes power to impose temporall punishments to deduce a power in the Pope to inflict or vse temporall punishments, or which is all one, to constraine with temporall punishments, & from a power which is granted to the Church, as the Church is taken for the Christian world consisting both of temporall and spirituall power, to conclude the said power to be in the Church, as the Church is taken for the spiritual Kingdome of Christ, which consisteth only of spirituall power, and such like pittifull shifts to confound therby their Readers understanding, & at the last, in regard either of their presence or preheminence in the Court of Rome, to cause by their euill information his Holinesse to consent to the forbidding of their Aduersaries bookes, that thereby neither their legerdemaine and fraudulent dealing may bee laid open to the view of the world, nor the Reader may see what we alledge against them, or in defence of our selues, but in that lame and corrupt manner, as they shal please to deliuer it, doth euidently shew, that they are not desirous to satisfie mens understandings, and to search and finde out the truth by a sincere debating of this dangerous and difficult contro-
uerse,

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uerſie, but rather that they themſelves doe ſuſpect their owne cauſe, which becauſe they haue once taken in hand to defend, they will per fas & nefas, by fraud and violence ſeeke ſtill to maintaine. But truth will neuer be overthrowen, it may for a time by fraud and violence be ſuppreſſed, but maugre all the ſleights of the impugnors thereof, it will in the end preuaile.

Whereas my plaine, ſincere, and perſpicuous handling this queſtion, and requeſting my Aduerſaries, that they will inſiſt vpon any one text of holy Scripture, which ſhall ſeeme to them to be the moſt pregnant place, whether it be, whatſoeuer thou ſhalt looſe, &c. Feed my ſheepe. If you ſhall haue Secular iudgments &c. or any other; or vpon any one decree of Popes, or generall Councells, whether it be, can: Nos Sanctorum, Iuratos, Abſolutos, or any other, whether it be the Councell of Trent, of Lyons, of Laterane, (which now of late is ſo greatly vrged by ſome, whereof in former times was made ſo ſmall account for the prooſe of this point,) or vpon any one Theologicall reaſon, which ſhall ſeeme to them to be the moſt vnanſwerable, whether it be taken from the ſubordination of the temporall power to the ſpiritual, or from the neceſſitie of defending the Church, repreſſing hereſies, puniſhing wicked Princes, defending innocent people, or from the promiſe which Chriſtian Princes make to the Church, either in Baptiſme, or at their Coronation, or any other which ſhall like them beſt, proteſting withall, ^k that if any man ſhall ſhew by any convincing reaſon that

that the doctrine for the Popes power to depose Princes is a point of faith, and consequently the contrary not probable; I will presently yeeld, neither shall any hope of gaine, or feare of punishment withdraw me from embracing forthwith and publishing also the truth, doe sufficiently demonstrate, that my only desire is to finde out, and follow the truth in this controuersie, which doth so neerely touch our soules and saluation and our obedience due by the law of Christ to God, and our temporall Prince.

13 Wherefore my earnest request at this time, and vehement desire onely is, Deare Countrymen, that you will be pleased to examine diligently your spirituall, and temporall obedience, your dutie to GOD & CAESAR, and that you will be led and guided by true reason, and not caried away by blinde affection, hope of preferment and credit, or feare of disgrace and want, and not to be desirous so to please the Pope, as to neglect your dutie, and obedience, which by the command of Christ, and under paine of eternall damnation you owe to your temporall Prince. Be not deceiued, God is not mocked. Coeca obedientia, blinde obedience in this case is dangerous, and damnable, and your ignorance herein, you hauing now so iust cause to doubt, and therefore, according to the doctrine of all Diuines, are bound to examine the truth, will be affected, grosse, wilfull, and culpable, like to that, whereof the Prophet spake, ¹ Noluit intelligere vt bene ageret, hee would not vnderstand that he might doe well. For although it be lawfull,

1 Ps. 135.

The Epistle Dedicatorie.

and also very commendable to obey your Superiours command, without examining what authoritie he hath to impose upon you such a command, when by obeying, you incurre no danger of disobeying God, of wronging your neighbour, whom by the law of God you are bound not to wrong, or of disobeying another Superiour, whom by the law of God you are bound also to obey, yet this is also certaine, that when there is a controuersie, that your obeying an earthly Superiour is a disobedience to God, or a rebellion against another supreme Superiour, whom God hath commanded you to obey, vnesse you duely examine the matter, and in what manner by obeying that earthly Superiour, although it be the Pope, you doe not disobey God, nor commit rebellion against your Prince, whom God commandeth you to obey, no pretence of aduancing Catholike Religion, of deuotion to the See Apostolike, or of any other good end whatsoever can excuse you from committing a mortall sinne.

14 The pretence of furthering the common good, of aduancing Catholike Religion, of deprefsing heresies, of punishing wicked Princes, of defending innocent people, and such like, may be colourable clokes to excuse many damnable and deuillish attempts, many wicked backbyttings, slāderings, and other wrongs both by words and deeds, as by late experience may be seene in the execrable murders of the twomost Christian Kings of France, in the abhominable Conspiracie of the Powder Traitors, in the vncharitable proceedings against the Appellants, and those who fauoured them, and
now

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and now against those Catholikes, who do any waies fauour the Oath, (to omit many other exorbitant dealings vnder this pretence of furthering the common good, which if it were needfull I could make manifest) but assure your selues that neither good ends are sufficient to excuse bad practises, nor the zeale of the person is a sufficient warrant to iustifie all his actions, nor iniustice is to be done to any man be he neuer so wicked.

I 5 Call to minde, I beseech you, the doctrine of the ancient Fathers, and the practise of the primitive Church, obserue the causes of the beginning and increase of this practise, and doctrine for the Popes power to depose Princes, and the continuall contradiction thereof, and you shall finde, that no man of any learning can perswade his conscience, that this doctrine is certaine, and of faith. For the zeale of Pope Gregorie the seuenth, the wickednesse of Henry the fourth Emperour, the discord of the German Princes, the riches of the Countesse Mathildis, the warlike forces of the Nortmâns, and the desire of all men that the Emperour might be restrained from doing such euills, were the first occasions, ^m that this doctrine began first to bee practised by the said Pope Gregorie, and afterwards, it being in regard of the strangenesse thereof, so greatly contradicted, iustified by him to bee lawfull, for which cause it was by Onuphriusⁿ called, a thing not heard of before that age, and by Sigebert a learned, and vertuous Catholike, and no Schismaticke, as I will proue beneath^o, it was taxed of noueltie, not to say of heresie, and confu-

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^m See beneath
part: 1. cap: 6.
nu: 24.

ⁿ See in the
place aboue
cited.

^o Part: 1. cap.
6. num. 20.
& seq.

ted by him at large.

p Suarez de
Censuris Disp.
4. sec. 7. nu. 2. 4.
23. & seq.

16 Secondly, the advancing of them, who did maintaine this doctrine, the depressing of those, who did impugne it, the suppressing of Bookes, and the threatening of Ecclesiasticall Censures, which nevertheless if they be unjust, are not of force in the Court of Conscience, and the indiligence of temporall Princes to maintaine their Soueraigntie (the causes whereof I dare not presume to examine) besides the former reasons, and pretence of advancing Catholike religion &c. were the chiefe causes, why the defenders of this doctrine, did so increase in number from the time of Pope Gregorie the 7. in comparison of those who did impugne it. But if temporall Princes would yet be pleased, to use hereafter those meanes to defend their right, and Soueraigntie, which Popes haue heretofore, and doe continually use to maintaine their pretended temporall authoritie over Kings and Princes, to depose them, to dispose of their temporalls &c. in order to spirituall good, I do not doubt, but that the streame of Doctors would quickly turne backward, and my Aduersaries would haue small cause to brag (considering especially the weaknesse of their grounds, and that their doctrine is ouerswaied by authoritie, and not by reason) that so many Authors fauour the Popes power to depose Princes, and so few the right of Princes not to bee deposed by the Pope.

17 Nevertheless it is also manifest, that it hath ever been contradicted by Christian Princes and people, and notwithstanding the foresaid motives, and

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and also the feare that some might haue, lest wicked Princes might be in some sort encouraged to perseuere in euill by impugning that doctrine, which seemed to be a bridle to restraine their bad purposes) it hath continually been impugned, disproued, and confuted by learned Catholikes, as I haue cleerely proued in this Treatise. And therefore remember, into what danger of soule, bodie, and temporall fortunes, you (for want of reading and due examining,) doe throw headlong your selues, and many innocent men, who doe follow your example and counsell, for the which at the day of iudgement you are to make a most strict account, where no fauour of Man can helpe you, and willfull ignorance will not excuse you, but condemne you, and it will be too late to say then Non putaram, vlesse you doe now, abstracting from all humane affection & respects, examine duely what dutie you beare God and Cæsar, what obedience you owe to the Pope, and your temporall Prince.

18 But perhaps some of you will demand, how can you by reading examine this controuersie, seeing that the Bookes, which treat thereof are forbidden by the Pope? In answer to this I will onely propound at this time to your prudent considerations, whether if there should arise a controuersie betwixt the Pope, and a temporall Prince concerning the title to any kingdome, especially which that temporall Prince hath in his possession (as there is betwixt the Pope, and the King of Spaine touching the Kingdomes of Naples, and Sicilie) the Pope hath authoritie to command that temporall Prince, and his Subjects not to read, and peruse these evidences,

which doe make in fauour of his owne title, but onely those euidences, which doe proue the Popes title?

19 Now if the reason, why my bookes are forbidden by the Pope, (or rather by the euill information, importunitie, and iudiciall sentence of Card. Bellarmine, against whom, as my principall Aduersarie in this cause, I did write both my Apologie for the right of Princes, and also my Theologicall Disputation concerning the oath of Allegiance, which two bookes are onely forbidden, and who therefore was pleased to bee an Accuser, Witnesse, and Iudge, in his owne cause) be, for that they doe fauor the oath of Allegiance, and impugne the Popes power to depose Princes, (as all my Aduersaries confesse, that for this cause they are forbidden to bee read) then you may cleere perceiue, that therefore my bookes are forbidden, for that they doe shew, and declare the euidences, which doe make for the right and title of temporall Princes, and their right not to be deprived, or thrust out of their kingdomes by the Popes pretended authoritie, but especially of our Soueraigne, whose case concerning this point is more singular, and concerneth him more necerely; considering the opposition betwixt him, and the Popes Holinesse, with whom he is not linked in unitie of religion and friendship, then it doth concerne other Christian Princes, who haue not the like reason to feare tumults, rebellions, and Powder-treasons, under pretence of restoring Catholike religion in their Countrey, and of hauing the Popes expresse or virtuell licence for the same; which prohibition of the Pope

to forbid such kinde of booke, how far it can binde either those Princes, to whom it belongeth by the law of God and nature to defend their Soueraigntie, or else their Subiects, who also by the same Lawe of God and nature are bound to examine the reasons and evidences of their Princes title, authoritie, and Soueraigntie, least that for want of due examination they should deny to God, or Cæsar, that which is their due, I remit to the prudent consideration of any iudicious Catholike man.

20 Lastly, consider, I pray you, the manifold wrongs, which for the loue and paines I haue taken for your sakes, I haue receiued from diuerse of you, whom I could name, if it were needfull, both in reprochfull words, and vncharitable deeds, not becomming, I will not say, Religious Priests, but morall honest men. For long before I did put pen to paper, I had thoroughly examined this controuersie, and all which in my iudgement could bee objected on either side, and for my owne part I was fully settled in my opinion; but perceiuing all men to bee silent in a matter of such importance, and necessitie as this is, and which also concerneth vs all, the zeale, affection, and dutie, which I bare to Catholike Religion, to the See Apostolike, and to my Prince and Countrey, with a vehement desire, that the truth in this important controuersie, which concerneth our obedience, which by the command of Christ, wee owe to God and Cæsar, to the Popes Holinesse, and to our temporall Soueraigne, compelled mee first to write, and now also to continue, for which

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although I shall hereafter suffer, as hitherto I have
done, reproch, infamie, disgrace, losse of friends,
and other evils, yet I will still pray for my persecu-
tors, and remit my cause to GOD alone, assu-
ring my selfe, that in time convenient he
will in this world, or the next, or
both, be a iust Iudge, reuen-
ger, Protector, and re-
warder of the
Innocent.

G NO 63

THE



THE
PREFACE TO
the Reader.

Wherein

Mr. FITZHERBERTS PREFACE

is confuted, the matter which WIDDRINGTON handleth, and the manner how he proceedeth therein, is declared, and his doctrine proued to be truly probable, and neither preiudiciall to his

MAIESTIES service,

nor to the Consciences of

Catholikes.



IT is not vnknowne to thee, Courteous Reader, the great controuersie hath been of late yeares especially among vs English Catholikes, concerning the new oath of Allegiance, which his Maiestie by Act of Parliament hath ordained to make triall how his Catholike Subjects stand affected towards him in point of there loyalty, and due obedience. For although his Holinesse, by the instigation and importunitie no doubt of others, hath by three seuerall Breues declared the said oath to be vnlawfull,

lawfull, and to containe in it many things cleerely repugnant to faith and saluation, and many learned men, especially *Iesuites*, as Card. *Bellarmino* Fa: *Gretzer*, *Lessius*, *Becanus*, and now lastly *Suarez*, haue by publike writings endeauoured to conuince the same, neuerthelesse since that M^r. *George Blackwell* then Archpræbiter, and many other learned Priests did from the very first publishing of this oath defend it to bee lawfull, and not to containe in it any thing, which either expressly, or couertly is contrarie to Catholike faith or saluation, the said oath hath been maintained as lawfull by many learned Catholike Priests, and hath been taken by the most part of those Lay-Catholikes, to whom it hath been tendered; assuring themselves that his Holinesse command for the refusing thereof, being onely a declaratiue precept, and not grounded vpon any infallible definition, but at the most vpon a probable opinion, that the Pope hath power to depose Princes (which is the maine substance of the oath, as my *Adversarie* here ^a confesseth, and Fa: *Suarez*, ^b also before him expressly acknowledgeth, is not, according to *Suarez* doctrine, of force to binde them, especially with so great prejudice to his Maiestie and themselves, to embrace an vncertaine and doubtfull opinion, or to obey the Popes declaratiue precept grounded therevpon.

2 I therefore with other Catholikes considering how greatly this oath doth concerne our allegiance, and obedience due to God and Cesar, and the great harme both spirituall and temporall, which may ensue by breach thereof, thought it our best course, to set downe sincerely all the chiefest arguments, which haue been hitherto by any Author, or which might in our iudgements be objected by any against the said oath, together with the answers, which haue been, or might be brought to the same Obiections, and with all dutifull submission to propound them to his Holinesse,

^a In the end of his Preface.

^b Lib. 6. defens.

^c cap. 2.

linesse, humbly requesting him, that he would be pleased diligently to peruse them, and in regard of his Pastorall Office would vouchsafe to instruct vs in the Catholike faith, satisfie the difficulties, which doe perplex our consciences, & to make knowne vnto vs, what clauses of the oath are, I doe not say, according to the opinion of Card. *Bellarmino*, or some other Catholike Doctors, who are no necessarie rule of the Catholike faith, but according to Catholike doctrine necessarily to be beleueed by all men, repugnant to faith and saluation, as his *Holiness* affirmeth in his *Breues*. And this I performed in my *Theologicall Disputation*, partly at the request of many Catholikes, whose case I greatly pittied, but chiefly for the duty I owed to God, Religion, my Prince and Countrey: Neither did I intend in that *Disputation* to affirme any thing of my selfe, but as representing the person of those, who were perswaded, that the oath may, or may not be lawfully taken. And because when the said *Disputation* was in the presse, & almost finished, there came to my hands an English booke composed by *F. T.* and entituled a *Supplement to the Discussion* &c. wherein this Author endeauoured to proue the said oath to bee repugnant to all lawes both humane and diuine, and therefore iustly condemned by his *Holiness* in that it doth exempt temporall Princes from Excommunication and deposition by the Pope, I thought good to touch briefly in an *Admonition* to the Reader, both the substance of this Authors discourse, and of the chiefest arguments which hee brought against the oath, and also the answers, which might bee made to them; to the end his *Holiness* might be fully informed of all the reasons, which are alledged as well against as for the taking of the oath. And this was the cause, that I writing in Latin, did to informe his *Holiness* briefly set downe what hee had written in English against the aforesaid oath.

c In the Pra-
face nu. 2.

3 But the said Authour *F. T.* who now hath turned backward the first letters of his name into *T. F.* and is knowne, acknowledged, yea and boasted of by his fauourers to be Mr. *Thomas Fitzherbert* now an English Iesuite (for which cause I was the more bold to expresse his name) hath of late set forth a *Reply* in English in defence of his arguments, which I briefly answered in Latine, to the end, saith he, *that our Countrey men, whom it most importeth to vnderstand well the qualitie, and state of this controuersie, may discover my weakenesse, and auoide the danger of their soules, whereto they may be drawne by the false fame, and opinion, that many haue conceiued of my sufficiency.* But howsoeuer my *Adversarie*, or any other bee conceited of my weakenesse or sufficiency (for time will make knowne the weakenesse or sufficiency of vs both) I doe not doubt (God willing,) but notwithstanding all his vaunting bragges, to discover cleerely the weakenesse and insufficiency of his Reply, albeit hee hath bene furthered with the former writings of many learned men, especially *Card. Bellarmine*, *Fa. Lesius*, & now lastly of *Suarez* (from whom he borroweth the chiefest Replies he bringeth to my answers, yet concealing their names) to omit the many other helpes I want, which he may haue in the place where hee liueth, both by the conference of learned men, & the commoditie of all sorts of books, wherewith that place is furnished. And although hee vseth very spiteful, and slanderous speeches against me (for the which I pray God to forgive him) thinking thereby to magnifie himselfe, disgrace me, and promote his owne cause, but in the end hee will finde that such exorbitant and irreligious courses will tend to his owne disgrace and not mine, and bee greatly preiudiciall both to his cause and conscience, yet I will abstaine from such vncharitable and vniust proceedings, and with all modestie I will defend my owne innocencie,

innocencie, by answering all his objections, and by clearing my selfe of all those imputations, which hee hath falsly laid to my charge: and if in defending my selfe I lay open his fraude, and ignorance, and returne his slanders backe vpon himselfe, I ought not therefore to be taxed of calumniation, seeing that, *to detect the slanders of the Adversarie is not, to vse Card. Bellarmine owne words, to be accounted a defaming.* Now to draw neere vnto the matter.

d Cap. 5. Apologie.

4. Before my *Adversarie* come to examine my Answer to his arguments, he thinketh it not amisse to say somewhat concerning me, the matter which I handle, and the manner how I proceede therein. First then touching me he affirmeth, *that whereas I call myselfe by the name of Widdrington, it is well knowne to many, that M. Roger Widdrington, vnder whose shadow I shroude myselfe, is farre different from me in qualitie, habit, and profession. And albeit he is not ignorant what my true name, and qualitie is, yet he forbearth to declare it for iust respects, and will only say of me for the present, that whereas our Adversaries haue heretofore denied, and prest many souldiers of their owne profession to maintaine their quarrells against vs, they haue now in this late quarrell of the oath prest one of ours (I meane saith he, this Authour) who so much presumeth of his owne skill and strength, that albeit the proverbe saith, Ne Hercules contra duos, yet he feareth not to encounter vnnr at once, yea hopeth, as it seemeth, to wrest the club out of Hercules his hand, and to beate him with his owne weapon. For he taketh vpon him to overthrow Card. Bellarmine with his owne arguments, to batter the forresse of the Catholike Church with her owne Canons, and constitutions &c.*

e In his Preface num. 3.

f Num. 3.

5. But first, whether Roger Widdrington be the true or supposed, the sole, or ioint Authour of that Disputation, it little auaileth to the matter, which is now in controuersie: and when my *Adversarie* shall name more plainly that person, whom he forbearing, as he

saith, to name, yet cunningly nameth, I doubt not, but that hee will not be afraid to answer him more fully; neither will all my *Adversaries* clamours, and threatnings discourage him from defending the truth, his Prince, and Countrey, for the loue wherof, & not for any hope of temporall lucre or preferment, or for to shew his wit as my *Adversary* falsely affirmeth, he will not be ashamed to be Pressed on to write against M^r. Fitzherbert, or any other such like Authour, who liuing in other Countreies, and out of danger to loose any thing, but rather in hope to obtaine preferment by their writings, would presse English Catholikes to defend with danger of loosing all they haue, and of incurring his *Maiesties* high displeasuer that doctrine for the Popes power to depose Princes to be of faith, which the *State of France* hath accounted *scandalous, seditious, damnable, and pernicious*. In the meane time let this suffice, that he is a childe of the *Catholike* *Romane Church*, and as good a Catholike, if not better then M^r. Fitzherbert is, if we will duly consider the true nature and definition of a *Catholike*, and that he is no true *Catholike*, who with true *Catholike* and supernaturall faith beleueth doubtfull, disputable, and vncertaine opinions, and which consequently are subiect to errour, to which true *Catholike* faith cannot in any wise be exposed.

6. Secondly, it is vntrue, that I doe presume so much of my owne skill and strength, that I dare aduenture to wrest out the club of *Hercules* his hand, as my *Adversarie* affirmeth or to encounter vpon equall rearmes with *Card. Bellarmine*, or any one of those learned writers, whom I named in my *Disputation*, accounting my selfe to be farre inferior to euery one of them in skill and strength (only excepting this my *Adversarie*, whose skill and strength I doe not greatly feare, it being well knowne of what sufficiencie he is, and that his skill in *Philosophie*, or *Schoole Diuinitie*

tie is not great, although he hath prettie skill in making vse of other mens labours, and answering in English, what other men haue before replied in Latine) but if *Hercules* will leaue his club, and fight with a bulrush, it is no great maistrise for a weaker man to withstand him; it *Card. Bellarmine* instead of the expresse words of holy Scripture, and the true meaning thereof so declared to be by the ancient Fathers, or the vniuersall Church, or vndoubted definitions of Generall Councils, or necessarie inferences deducted from them (which are the only weapons wherewith Catholike doctrine can be conuincd) will flie to ouerwrested similitudes, false, or at the most probable suppositions, doubtfull and vncertaine collections, to proue an infallible doctrine of the Catholike faith, as he, and the rest, who follow him in this controuersie for the *Popes* power to depose Princes haue done, it is an easie matter for one, who hath lesse skill and strength then they haue, to withstand them, yea and to vanquish them, and a hundred such others being so weakely armed.

7. And therefore very false, and friuolous is that, which my *Aduersarie* affirmeth that *Widdrington* (for so still I will call my selfe) taketh vpon him to batter the fortresse of the Catholike Church with her owne Canons, and constitutions, and to vndermine the immovable rocke of *S. Peter* with his owne instruments, and all this he doth with such art and sleight, that whiles he fighteth against the Church, he pretendeth to be a friend and childe of the Church, and albeit he impugne the *Popes* authority, yet he dedicateth his booke to the Pope, laughing vpon him, whiles he woundeth him, and betraying *Christ* with a kisse, as *Iudas* did. But how vainely he labourerth in all this, he may easily see, if he call to minde, what he hath learned in the Catholike Church, to wit, how inexpugnable is the rocke, and seate of *Peter*, which the proud gates of hell cannot overcome. For I doe not batter the fortresse of

g Num 4.
and 5.

the Catholike Church whom I reuerence and loue as my deare mother (and to whose Censure I euer haue and do also now most humbly submit my selfe and all my writings) but the private opinions of some few Catholikes, especially *Iesuites*, who will needes enforce vpon the Christian world, doubtfull, disputable and vncertaine opinions, for infallible grounds of supernaturall faith, which onely is the fortresse of the Catholike Church. Neither doe I vndermine that immouable rocke of *S. Peter*, whereon *Christ* hath built his Church, but those *scandalous, seditious, damnable and pernicious* positions (for so the *State of France* doth call them) of murdering Princes, and thrusting them out, contrarie to the rules of law and reason, of the lawfull possession of their kingdomes, by an authority which is only doubtfull and questionable: Neither do I impugne that authoritie of the *Pope*, which is certainly knowne to be granted him by *Christ*, but that new doctrine of some few writers, which doth attribute to the *Pope* that authoritie, as certainly giuen him by *Christ*, which at the most is disputable, whether *Christ* hath giuen it him or no.

8. I do honour and reuerence in good truth *Card. Bellarmine*, as also many other learned men of his Society, and their singular learning I doe greatly admire, but that their learning or authoritie ought to be so greatly esteemed of by Catholikes, that whatsoever they thinke to be a point of faith, it is presently to be taken for a diuine Oracle, and the contrarie opinion of other learned Catholikes, who haue seene and examined all their grounds, reasons, and authorities, is not to be accounted an opinion, but an *heresie*, and that in a matter of such importance, which concerneth the dutifull obedience of every Christian to *God* and *Cesar*, this is that which I cannot take in good part. And might not, I pray you, the *Canonists*, who do vehemently defend the *Popes* direct power to

to dispose of all temporalls against Card. Bellarmine and others, whom they are not afraide to call *impies politicos wicked politicians*, ^h pretending thereby to strengthen the fortresse of the Catholike Church, to confirme the immoueable rocke of S. Peter, and to maintaine the Popes authoritie, retort the very same inuectiue, which my *Aduersarie* hath borrowed of Card. Bellarmine, ⁱ vpon Card. Bellarmine himselfe, who doth vehemently impugne the aforesaid direct authoritie, which the Canonists do yeelde vnto the Pope, and with the same facilitie crie out with my *Aduersary*, that he taketh vpon him to batter the fortresse of the Catholike Church with her owne Canons, and constitutions, and so undermine the immoueable rocke of S. Peter with his owne instruments, and all this he doth with such Art and sleight, that whiles he fighteth against the Church, hee pretendeth to be a friend and child of the Church; and albeit he impugne the Popes authoritie, yet he dedicareth his booke to Pope Sixtus the fift, laughing vpon him whiles he woundeth him, and betraying Christ with a kisse, as Iudas did &c. And thus much concerning me.

9. Now as touching the matter which I handle, and the manner of my proceeding therein, *Widdringtons* speciall purpose (saith my *Aduersarie*) in this his late worke is to defende the new oath of allegiance, and to confute all the chiefe arguments, that haue beene made by any against the severall clauses thereof; which neuerthelesse he meaneth no other waies to performe (as he himselfe often protesteth) but only by shewing probably, that the said Oath may be taken by Catholikes, and that nothing hath bene hitherto, or can be objected against it, which hath not been or cannot be probably answered. And from hence my *Aduersary* gathereth certaine admonitions to the Reader, which, as he saith, are worthy to be noted.

But before I come to set downe his worthy admonitions, I thinke it fit, to put thee in remembrance

h Alexander
Cacerius.

i Against Bar-
clay cap. 1. and
in the Epistle
Dedatory of
his Schulcken-
nius against
me.

k Num. 6.

1 In the end of
his Preface.

brance (Curteous Reader) what is the true state of the question betwixt vs concerning the Popes power to depose Princes, and what was my chiefe intent in making that disputation of the Oath. *The maine question therefore betwixt me, and these my Aduersaries, as my Aduersarie T. F. also confelleth, is touching the Popes power to depose Princes, which specially is denied in this new oath:* to wit, whether it be a point of faith, and not to be denied by any Catholike without note of heresie, or error, that the *Pope* hath by *Christ* his institution power to depriue temporall Princes of their Kingdomes for any crime whatsoever. For whereas some very few late writers especially *Card. Bellarmine* and other *Iesuites*, could not bee content to defend this doctrine for the Popes power (call it temporall, or spirituall as you will) to depose Princes in a moderate manner, but would needes take vpon them to make it a point of the Catholike faith, and cleerely to demonstrate by the testimonie of holy Scriptures, of sacred Councells, and by inuincible reasons, that *Christ* hath giuen to *S. Peter*, and his Successors such a temporall power ouer Soueraigne Kings and Princes (a doctrine neither practised, nor knowne by the Fathers of the Primitiue Church, and which hath beene a chiefe occasion, why this Kingdome is departed from the obedience to the See Apostolike) and to condemne all those Catholikes of *heresie*, who do not runne with them in this their violent course, when I seriously considered with my selfe, what scandall this new doctrine maintained with such violence brought to Catholike Religion, what danger to our Prince and Countrey, and what great calamities and disgrace English Catholikes do daily suffer thereby, as not being accounted true, and loyall Subiects to their Prince, euen according to the doctrine of those, who are esteemed to bee the chiefe pillars of the Catholike Church, but so long only as it shall please the Pope, I thought

thought my selfe bound by the duty which I do owe to the Catholike Religion, & to my Prince & Country, to take away as much as lieth in mee (notwithstanding the manifold slanders, which I fore-saw some persons would therefore raise against mee) the aforesaid scandals, dangers and disgraces, and to answer *probably* all the arguments which Card. *Bellarmino* hath from the chiefeſt Authors, who haue handled this question collected, to demonstrate that it is a certaine and infallible doctrine, and the contrary, not so much an *opinion*, as an *heresie*, that the Pope hath by *Christ* his institution authority to depriue Soueraigne Princes of their temporall Kingdomes and dominions.

II Wherefore the present controuersie betwixt me and my Aduersaries is not at this time concerning the *absolute* proposition, to wit, whether the Pope hath or hath not power to depose, (the reason why I doe not dispute of this *absolute* proposition I will declare beneath ^m) but concerning the *modall*, whether it be certaine, without controuersie, and a poynt of faith, that the Pope hath power to depose, as this *Author* T.F. following Card. *Bellarmino* and some few *Iesuites*, will needes haue it to be, and I with other Catholikes, and the Kingdome of France, as *Petrus Pirbaeus* witnesseth ⁿ, doe vterly deny the same. And from hence it evidently followeth, that although Card. *Bellarmino* should alledge an hundred Catholike Authors, who doe affirme, that the Pope hath power to depose Princes, yet if they doe not also affirme that it is *certaine*, and to be beleeued as a *poynt of faith*, that the Pope hath such a power, they neither confirme his opinion, nor gaine say mine concerning the present controuersie, which is now in hand. And thus much concerning the matter and manner of my *Apologie* for the right of Princes. Now touching my *Theologicall Disputation* concerning the oath of Alle-

m Nym. 78. 79

n In Cod. libert.
Eccles. Gallic.

geance, although in very deepe hitherto I haue not
 seene any sufficient reason to condemne the sayd
 oath as vnlawfull, and from the doctrine which I
 taught in my *Apologie* it doth necessarily follow, that
 with a probable and safe conscience it may bee taken
 by any Catholike, considering that the Popes power
 to depose Princes, as my *Aduersarie* heere confesseth,
 is the maine question betwixt him and me, and which
 is specially denied in this oath, neuerthelesse I did
 not intend in that *Disputation* positiuely to defend
 the sayd oath, but sincerely to propound vnto his
Holinesse, who as I am fully perswaded, was neither
 truely, nor thoroughly informed of the reasons, why
 English Catholikes thought the sayd oath to bee
 lawfull, all the arguments on both sides, which might
 be vrged against or for the oath, affirming nothing of
 my selfe, but as representing the persons of those, who
 either impugned or approoued the sayd oath; hum-
 bly requesting his *Holinesse*, that after he had diligent-
 ly examined the reasons on both sides, he would bee
 pleased to satisfie those difficulties, which wee pro-
 pounded, and to make knowne to vs English Catho-
 lickes, those many things, which he in his *Breues* had
 affirmed to be in this oath cleere repugnant to faith
 and saluation.

12 Now let vs see those worthy admonitions, and
 those things, which my *Aduersary* sayth, are worthy to be
 noted. First therefore, sayth he, ^o Widdrington doth
 not account his owne opinion and doctrine in this point to be
 certaine and assured, but only probable, neither yet con-
 demneth our doctrine as manifestly false, or repugnant to
 faith, or to the saluation of soules: besides that he confesseth
 also elsewhere, ^p that his *Holinesse* in three severall *Bre-
 ues* declared the contrary doctrine contained in the oath
 to be repugnant to the Catholike faith ^q; whereupon I in-
 ferre, that it were no lesse then most dangerous temeritie,
 and extreme folly to reiect our doctrine, and to adhere to
 his

o num. 10.

p In Epist.
 Dedicat. & in
 Diss. Theolog.
 cap. 3. num. 1.
 q Num. 11.

his; for if it be wisdom in doubtfull matters to take the surest way, it cannot with reason be denied, but that albeit his opinion seeme probable to him, yet the contrary is much more so be imbraced, seeing that by his owne confession it is at least probable, and therefore may be imbraced without danger, whereas his is not onely doubted of, but also declared to be contrarie to the Catholike faith, both by his Holines, & also by very many learned Catholikes (as he himselfe also confesseth:) besides that he acknowledgeth also afterwards, that there are very few Authors extant, which doe deny our doctrine in comparison of those that teach and defend it; whereto I also adde, that it is altogether conforme to the practise of the Church, confirmed by diuerse generall Councels, as I haue shewed particularly in my Supplement; so as no man, that hath care of his soule, can haue any reason to venter it upon his opinion, impugned and condemned by so great authority, when our doctrine may by his owne confession be securely followed without doubt or danger.

13. But marke (Courteous Reader) how many frauds, and falshoods my *Aduersarie* hath here committed. And first how cunningly hee would deceiue thee by not distinguishing the *absolute* proposition concerning the Popes power to depose Princes, which is not now in question, from the *modall*, which onely is now in controuersie. For although I do not take vpon me at this present to condemne that opinion for the Popes power to depose Princes as manifestly false, or to defend the contrary as certaine and without controuersie, yet it is vntrue, that I doe not assuredly account that opinion and doctrine, which affirmeth it to bee a point of faith, that the Pope hath power to depose Princes, and the contrary to be hereticall, to be absolutely false, and to vse the words of the Parliament of Paris against Suarez doctrine, to be scandalous, seditious, damnable and pernicious.

14. Secondly, it is also vntrue, that I doe acknow-

¶ *Vbi supra.*
[Cap. 3. sec. 3.
num. 15.

¶ *Supplm. cap.*
2. num. 76. 77.

u In Pref. Resp.
Apolog. num. 10.

ledge that there are very few Authors extant, which doe deny their doctrine concerning the *modall* proposition, in comparison of those, that doe teach and defend it: for although I affirmed, that very few Authors, whose writings are now extant, in comparison of others, who defend this temporall power of the Pope, are to be found that deny his authority to depose Princes, (the reasons whereof which I alledged in that place and before in my *Apologie*, because they clean ouerthrow the common argument taken from the multitude of Authors, who doe cleave to their opinion touching the *absolute* proposition, both my *Aduersarie*, and D. *Schulckenius* also do altogether conceale,) yet touching the *modall* proposition I confidently auerred, that there were very few writers, and those for the most part *Iesuites*, who doe hold this doctrine for the Popes power to depose Princes to be a *point of faith*. For behold my expresse words. "And from hence any man may plainly perceiue, that Widdrington doth not oppose himselfe either against all *Diuines*, or against the common opinion of the Church, or Doctours, but onely against very few writers, considering that among those *seuentie* Authors related by Card. Bellarmine very few are to be found, who (although they are perchance of opinion, that the Pope by Christ his institution hath authority to depose Princes for enormous crimes) doe *operemp- torily* adhere to that opinion, as to taxe them with heresie, who doe maintaine the contrary. And if Card. Bellarmine in the later Editions of his bookes, yet bringing no new reason to confirme his former opinion, had not condemned the contrarie opinion of Catholikes as hereticall, but had suffred euery man to perseuere without note of heresy, in his owne opinion, which he should thinke to be the truer, he should not doubtlesse haue had Widdrington to be his *Aduersarie*, or to haue attempted to ouerthrow his reasons as insufficient to demonstrate an vndoubted point of faith.

15 Thirdly, it is also vntrue, that confesse the

Popes

Popes Holinesse to haue declared in his *Breues*, that the doctrine, which denyeth his power to depose Princes, is contrary to the Catholike faith: I onely confesse, that in his *Breues* he hath declared the Oath to be vnlawfull, for that it containeth in it many things flat contrary to faith and saluation; but what these many things be, his *Holinesse* doth not expresse in his *Breues*, neither as yet hath he been pleased to signifie it vnto vs, although we haue both by priuate letters, and also publike writings most humbly and instantly requested it at his hands. I did indeede confesse, that his *Holinesse* was by all likelyhood misinformed of those many things, which he thought in this oath to be flat contrary to faith and saluation, by *Card: Bellarmine*, who hath publikely in his bookes declared, that the Popes spirituall Primacie, his power to excommunicate, and to binde and loose are plainly denied in this Oath, and the Kings spirituall Supremacie is therein acknowledged, but how vntrue this is, I haue sufficiently shewed in my *Theologicall Disputation*, and beneath I shall haue occasion to repeat againe. And albeit his *Holinesse* had in his *Breues* particularly declared the doctrine for his power to depose Princes to be *of faith*, and the contrary to be *hereticall*, (as likewise *Pope Celestine* the 3. did in a *Breue*, or *Decretall* letter of his, which was in times past for almost two hundred yeeres together extant in the Canon Law, declare, that *Marriage was so dissolued by heresie, that the partie, whose consort was fallen into heresie, might lawfully marry another*, which doctrine is now flatly condemned in the *Councell of Trent*) yet this declaration of the *Pope* being no infallible definition, but onely a signification of his opinion, as I proued abundantly in the foresaid booke, no Catholike is bound in conscience to follow it neither to obey his declaratiue precept grounded thereon as out of *Snarez* doctrine I shewed in that place.

x *Disp: Theol.*
log. cap: 10.
sec. 2.

y In the Ad-
 joinder num:
 106. & seq.

16 *Fourthly*, it is also vntrue, that I confesse the contrary doctrine of theirs touching the absolute proposition to be at least *probable*, and that it may be securely followed *without doubt or danger*; for touching practise I doe vtterly condemne that doctrine as absolutely *false, impious, danable, seditious*, yea & in some sort *hereticall*, as shall appeare beneath y, and for speculation, I doe neither approue it as *probable*, nor condemne it as *improbable*, because with the probability or improbability of the *affirmative part* of this question, I do not at this time intermeddle. That only, which I affirme, is touching the negative part of the question, to wit, that it is *probable*, that the Pope hath not power to depose Princes, but whether it be probable, that he hath power to depose Princes I neither confesse nor deny, but only for Disputation sake I doe grant, that although it be *probable*, that the Pope hath such a power, yet it doth not therefore follow, that it is *certaine* and of *faith*, and the contrarie *hereticall, improbable*, and not to be imbraced by any Catholike without note of *heresie, error, or temeritie*.

And by this you may also easily perceiue, another fraude, and cunning of my *Aduersarie*. For whereas he affirmeth, *that my speciall purpose is to shew probably, that the said oath may lawfully be taken by Catholikes*, he doth heere turne cunningly the question an other way, affirming, that it is also *probable*, yea & the more *probable* opinion, that the oath may lawfully be refused by Catholikes, with which question I doe not intend at this present to intermeddle, but only to proue by true *probable* arguments, that the oath may lawfully be taken by Catholikes. For be it so for Disputation sake, that it is *probable*, yea and the more *probable* opinion, that Catholikes may lawfully refuse the oath, (by reason that so many learned men, yea and the Pope himselfe, doe thinke it to be vnlawfull) which neuerthelesse I will not at this time either affirm,

firme, or denie, for the reason I will alledge beneath^a, yet can it not from thence be rightly concluded, that therefore it is not *probable*, that the oath may lawfully be taken, or that it is a *most dangerous temeritie and extreme folly*, as my *Aduersarie* seemeth to insinuate, to follow an opinion which is *truly probable* against the *more probable* opinion of the *Pope*, and other *Diuines*, as out of the doctrine of *Vasquez* affirming it also to be the more opinion of *Diuines*, I did in my *Theologicall Disputation*^a cleerely convince. It is sufficient for my purpose at this present, that *Catholikes* may lawfully take the oath, but whether they may also refuse it, I at this time will neither affirme nor denie. This onely I will say, that if *Catholikes* may lawfully take the oath, and so auoide his *Maiesties* indignation against them, and also their owne temporall overthrow, and will not, they may thanke themselves, & such like violent spirits, as my *Aduersarie* is, who by sleight and cunning endeauoureth to perplexe their consciences, & guilefully to perswade them, that it is the more safe and the more probable way to suffer all temporall miseries and disgraces, which he himselfe in my opinion, if hee were in their case would not suffer, then to do that which with a safe and probable conscience they may doe.

18 *Fifely*, it is also vntrue, that the doctrine for the *Popes* power to depose *Princes* is conforme to the practise of the Church, although it be indeed conforme to the practise of diuers *Popes* since the time of *Gregorie* the seuenth, who was the first *Pope*, that trusting to the power and riches of other men, contrary to the custome of his *Ancestours*, condemning the *Emperours* authoritie, deprived him of his Empire, a thing before those times not heard of, saith *Onuphrius*^b, which practise neuertheles was then, and hath been euer since contradicted by *Catholike Princes* and subiects. As also it is vntrue, that this doctrine is confirmed by any one *Generall Council*,

^a Num. 78.79.

^a Cap. 10 sec. 2.

^b De varia
creat. Rom:
Pont: lib. 4.

cell, that it is a point of faith, or the contrary doctrine hereticall, or improbable, as I have partly shewed in the Preface of my *Apologeticall Answer*, where I answered all those nine Councils, which Card: Bellarmine in his Answer to D. Barclay brought to proue his doctrine in this point to be of faith, and the contrary not *Catholike*, and partly I will shew beneath, when I shall answer to the Replies, which have been made by Fa: Lessius, masked vnder D. Singletons name, (from whom my *Aduersarie* borroweth the third part of his booke, to wit, eight whole Chapters which he consumeth in defence of the *Councell of Lateran*) to the answers I made to that Decree of the said *Lateran Councell*, whereon this new doctrine of faith according to these men is chiefly grounded.

19 Wherefore vnlesse my *Aduersarie* be able to convince, as without doubt he is not, that the opinion, which denieth the Popes power to depose Princes, is altogether improbable, and the *State of France*, besides many other Doctors, as thou shalt see beneath, to be extreame fooles, he will neuer be able to demonstrate, that it is most dangerous temeritie, and extreme folly to adhere to that opinion, (which my *Aduersarie* to perswade his Reader, that it is a singular opinion of one onely Authour, and as he vntruly faith, of no one *Catholike*, euer calleth it my opinion) considering that according to *Vasquez* doctrine, which is, as he saith, the common doctrine of the Schoole men, it is neither follie nor temeritie, to follow a probable opinion against the more probable, the more common, and the more sure opinion of the Pope and other learned men, although they should pretend to convince their opinion by the authoritie of holy Scriptures, declarations of Generall Councils, the practise of the Church, and other Theologicall reasons, which seeme to them invincible. For it is vsuall in a controuersie among *Catholike* Doctors, to alledge

c 1^a. 2^a. disp.
62. cap. 4.

ledge for confirmation of both opinions the aforesaid authorities and proofes, which nevertheless doth not discourage either part from maintayning their opinions, as it is manifest in the question concerning the superioritie of the *Pope* and *Generall Councells*, the conception of our *B. Lady* in originall sinne, and many questions concerning the Popes authoritie to dispence, and now of late in the question touching grace, and freewill, betwixt the *Dominicans*, and the *Iesuites*.

20 Therefore it is rather great temeritie, and extreme folly, that you, my Catholike Countrymen, should ventur your soules and whole estates vpon this my *Adversaries* writings, whose knowledge in Diuinitie, is knowne to be but small, and his desire to ease your griefes, as you shall perceiue beneath^d, is also no whit lesse: besides he handleth this controuersie, which doth so greatly concerne your spirituall, and temporall good or harme, and your obedience due to *G O D* and *C A E S A R*, so vsincerely, and corruptly, that either he concealeth my answers, or peruerteth the true meaning of my words, rather thereby to disgrace me with the Reader, and to make him to haue a preiudicate conceipt of what I wrote, then really and sincerely to finde out the truth, and by a cleere and moderate debating of the controuersie to satisfie his Readers vnderstanding. And this very argument taken chiefly from the *Popes Brenes*, which this man to terrifie, and perplexe the timorous conscience of the deuout Catholike Reader vregeth here, I haue so largely answered in my *Theologicall Disputation*^e, wherein I fully satisfied this objection taken from the authoritie of the *Popes Brenes*, and of so many learned men, who condemne the oath as contayning in it many things cleerely repugnant to faith and saluation, that I thought he would haue blushed to repeat the same argument here a-

G

gaine

d Num: 31. 32.

e Cap. 10. sec. 2.

gaine so nakedly, which I my selfe urged there more plainly and strongly, without making any Reply, or taking any notice of the answers I made in that place thereunto. For there I shewed the difference according to *Vasquez* doctrine between a *doubtfull* and disputable question, and that there is neither *doubt* nor danger of any imprudence, temeritie, disobedience, or of any other sinne not to obey the *Popes* declaratiue command, when it is grounded vpon an opinion, or doctrine which is not certaine, but disputable, for that diuers *Popes* haue in their *Brenes*, or *Decretall* letters declared and taught false and also hereticall doctrine, and that the *Popes* declaratiue command hath no greater force to binde, then hath the doctrine or opinion whereon it is grounded, as *Suarez*, whom I related in that place, doth expressly affirme. And thus much concerning my *Aduersaries* first *Admonition*.

f Num. 12.

21 Secondly, whereas *Widdrington*, saith my *Aduersarie* professeth not to giue for his opinion any assured, and certain proofes, which may breed in the hearers, or Readers a firme and doubtlesse assent, but onely probable reason drawne from credible principles, which may induce a probable perswasion, hee sheweth evidently, that his meaning is not to seeke out the truth, but rather to obscure it by wrangling and canilling, to shew his wit labouring to maintaine paradoxes with some shew of probabilitie, knowing right well, that as *Cicero* saith, there is nothing so incredible, but it may bee made probable by discourse &c. And what else may this man be thought to intend, but to shew his wit, seeing that hee pretendeth to produce no other proofe of his opinion, but onely probabilitie, and will acknowledge, that the contrarie doctrine is, and hath been professed, and held by almost all the learned Catholics that ouer haue written, at least whose workes are now extant. Is it likely then, that hee meaueth to establish the truth, or to quiet mens consciences by the discussion thereof?

No,

No truly. But rather that he seeketh, as I have said, to obscure it, and make it doubtfull, when he can not overthrow it, which is the most diuelliſh deuise, that any man could inuent to impugne any point of the Catholike faith; to wit, not to doe it all at once, but by degrees, seeking to shake the foundation of it, first calling it in question, and then teaching it to bee but probable, and consequently doubtfull, to the end that the mindes of men hanging in suspence, may be disposed to admit, as well the error, as the truth.

22 But whether I or my Aduersarie doth intend to establish the truth, or rather to obscure it by wrangling and cauilling, seeing that hee still persisteth in misinterpreting the meaning of my words, and in dissembling the true state of the question concerning the modall proposition, which is the maine controuersie betwixt him, and me, (wherein although hee sheweth in deede in some part his wit, yet verily he sheweth no sincere and vpright dealing) I leaue to the iudgement of the indifferent Reader. For first it is vntrue, that I professe, (as my Aduersarie affirmeth) to giue for my opinion no assured and certaine proofes which may breed a firme and vndoubted assent, which the Reader would quickly haue perceiued, if my Aduersarie had been pleased to haue entirely related my words, which are these: *wherefore the present controuersie betweene me, and Card. Bellarmine is not concerning this absolute question, or proposition, whether the Pope hath, or hath not power to depose Princes for heresie or no, but concerning the modall proposition, whether it be so certaine, that the Pope by Christ his institution hath such a power to depose Princes, as that those, who defend the contrarie opinion, doe expose themselves to manifest danger of heresie, error, or of any other mortall sinne. Wherefore although in my Apologie I brought certaine arguments drawne from inconueniences, which the Logicians call, ad impossibile, to proue that Christ our Lord did not grant such an authoritie to the Pope, which is the*

absolute proposition, yet whosoever will diligently peruse my Apologie, will presently perceiue, that my intent was not to bring conuincing reasons, and which doe cause a firme and vndoubted assent, to wit, of the aforesaid absolute proposition, but onely, probable, and such as are grounded vpon credible principles, and are able to cause a probable perswasion, of that absolute proposition, of which proposition I did there onely speake.

g Lib. 1. Prior.
cap. 1.

23 Marke now the fraudulent proceeding of my *Aduersarie*, I affirmed, that my intent was not to bring conuincing reasons to proue, that Christ our Lord did not grant authoritie to the Pope to depose Princes, which is the *absolute* proposition. Now my *Aduersarie* affirmeth, that I did not intend to giue any assured or certaine proofes for my opinion, and concealeth the difference of my opinion touching the *modall* and the *absolute* proposition, and the difference of proofes, which in all learned mens opinions are required to them both. For the very same proofes, which in respect of the *absolute* proposition are onely *probable*, in respect of the *modall* proposition, supposing that they be *probable*, are conuincing proofes; and although they are of force to cause onely a *probable* perswasion of the *absolute* proposition, yet they are of force to cause a firme, assured, (speaking of moral assurance) and vndoubted assent of the *modall*. For considering that according to the knowne, and approved rule of the Logicians, which is taken from the definition of a *Syllogisme* assigned by Aristotle, & in a good *Syllogisme* the conclusion is necessarily inferred from the premises, if wee once suppose the premises to be probable, of necessitie the conclusion must be probable, and consequently the contradictorie proposition can not be certaine, and a point of faith.

24 As for example, concerning the Conception of our *B. Lady* in originall sinne, although wee haue onely a *probable* assent of the *absolute* proposition, to wit,

wit, that shee was, or was not conceiued in originall sinne, yet we haue an vndoubted assent of the *modall*: to wit, that it is a disputable question, whether shee was conceiued in originall sin, or no. And although in this question touching our *B. Lady* hir Conception the case be more cleere, it being in some sort declared by the *Councell of Trent*, that the question is as yet disputable, yet wee may proportionally perceiue the like in all disputable questions, wherein wee haue onely a *probable* assent of the *absolute* proposition, and yet of the *modall*, to wit, that the question is disputable, wee haue a firme, assured, and vndoubted assent.

25 So in this question of the *Popes* power to depose Princes, although I thinke it *probable*, that the *Pope* hath no power to depose, yet I thinke it *certaine* and assured (speaking of morall assurance to exclude metaphysicall and diuine certainty, to which euident demonstrations, or supernaturall reuelations are required) or, which is all one, my firme, constant, and resolute opinion is, that it is not a point of faith, or a doctrine defined by the Church, that the *Pope* hath power to depose Princes, and I am fully and assuredly perswaded, that the contrarie is questionable, disputable, and is and may lawfully bee maintained by Catholikes. And I would gladly, that *Mr. Fitzherbert*, who is now become so publike a writer, teacher, and Professour in these most high, and difficult points of Diuinitie, before hee hath had for ought I can learne any Maister therein, would teach and instruct vs, what manner of arguments, or proofes, he would bring to proue any doctrine, which is in question, to be *probable*, or disputable; Doubtlesse hee can bring no other arguments then *probable*, for euident demonstrations, or diuine reuelations do proue the doctrine to be *certaine*, and without all controuersie, and the contrarie not to be *probable*, what rea-

son then can my *Adversarie* have to taxe me, for not bringing any *assured* or certaine proofes, but onely *probable*, to proue that it is *probable*, that the *Pope* hath not power to depose Princes.

26 Wherefore to establish and confirme this doctrine, that it is not a point of faith, that the *Pope* hath power to depose Princes, or that it is not *improbable*, that he hath no such power, it is sufficient to answer *probably* all the reasons and authorities to the contrarie, and to bring *probable* proofes, which may cause a *probable* perswasion, that he hath no such authoritie: considering that according to the approved ground of all Philosophers, and Divines, *certainie* of one part of the contradiction cannot stand with *probabilitie* of the other, taking *probable* in that sense, as the Divines doe take it, and not for that, which hath onely a shew of *probabilitie*, and is not truly *probable*; for if it bee certainly true, that the *Pope* hath power to depose, it is certainly false, and therefore not *probable*, that hee hath not power to depose. And therefore my *Adversarie* rather, seeketh to obscure the truth, and to intangle mens consciences by wrangling and cavilling, whiles first he requireth *evident* demonstrations, to proue a *probable* doctrine, and secondly dissembleth the true state of the question, confounding the *absolute* proposition and the proofes thereof with the *modell*, which distinction doth expresseth the true state of the question, and discovereth both his fraude and weakenesse, not onely in this, but almost in all the rest of his Replies, and *thirdly* he concealeth the answer, which I gave to this argument taken from the authoritie of the *Popes* Breues and of other learned men, and also the reasons, why so many learned Catholikes whose bookes are now extant, have from the time of Pope *Gregorie* the seventh defended this opinion for the *Popes* power to depose Princes. And thus much concerning my

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Adversaries second admonition, the weakenesse whereof will also presently more cleerely appeare by my answer to his third and fourth admonition.

27 Therefore it is to be considered for the third point, saith my *Adversarie*,^h what Widdrington meaneth by a probable opinion, or a probable answer, which no doubt, he understandeth so, that whatsoever he saith, must be held for probable, how absurd so ever it be; for otherwise he could not challenge to himselfe such a priviledge of probabilitie as he doth, his arguments and answers being so weake and impertinent, as you shall finde them to be; in which respect he is faine to dissemble the answers already made by some to his former arguments, and authorities in his Apologie, whereto he now remitteth his Reader very often, without taking so much as any knowledge of the confutation thereof, as though the same had neuer been answered, or that every assertion or position of his, being once laid downe, must needs stand for an eternall law, or were a decree of the Medes and Persians, quod non licet immutari.

h Nu. 15.

i Dan 6.

28 But not to returne these bitter speeches of my *Adversarie* backe vpon himselfe, which with the same facilitie, and with farre better reason I might doe, first, It is very vnttrue, that I take probable for whatsoever I doe say how absurd so ever it be, as this man, if it were lawfull for mee to vse his absurd word, very absurdly affirmeth, that without doubt I doe; Neither doe I take probable for that, which hath onely a shew of probabilitie, as Cicero tooke probable in his Paradoxes, but I take probable, as Philosophers and Diuines doe take it, as it is distinguished from demonstrating and fallacious, to wit, for that, which is approued by wise and learned men in the art, which they professe, which therefore as in speculation may be embraced without any imputation of error or folly, so in practise it may bee followed without any note of imprudence, or sinne:

sinne: As in a matter of Physicke, that is accounted *probable*, which is approued by learned Physicians, of Law by learned Lawiers, and of Diuinitie by learned Catholike Diuines. Secondly, it is also vntrue, that I haue in my *Theologicall Disputation* dissembled the answeres made by some to my former arguments and authorities in my *Apologie*, whereto I remit my Reader oftentimes, considering that my *Theologicall Disputation* was wholly finished, and in the presse, before the Replies of D. Schulkenius, and of D. Weston, and also my *Aduersaries Supplement* were published, so that I could take no notice of them in my *Disputation*; for which cause I was constrained to touch them briefly onely in an *Admonition* to the Reader. But my *Aduersarie* himselfe to make his owne Replies to seeme the more *probable*, and my answeres *absurd, foolish, impertinent, ridiculous* (for so hee is pleased to call them) is not ashamed to dissemble in many points the true state of the question, and also the answeres, which in my *Theologicall Disputation* I made to his chiefest Replies, especially those whereby hee laboureth to terrifie the timorous consciences of vnlearned Catholikes, with the pretence of his new *Catholike faith*, with the authoritie of the *Popes Bresses*, and the testimonies of so many learned men, who haue condemned the oath, as containing in it many things flat contrarie to faith and saluation.

29. Now let vs see his fourth consideration, by which the Reader may perceiue, how insufficiently he declareth what is a *probable* argument, or opinion, and how little he satisfieth the vnderstanding of vnlearned Catholikes, who by his obscure, and confuse description of a *probable* argument, cannot perceiue, what argument or opinion is *probable*. Fourthly, saith he, it is to be considered, that to make an argument, or prooffe *probable*, it sufficeth not that it seeme good and true in it selfe,

selfe, but it must also be able in some sort to counterpoise the arguments and proofes of the contrary opinion: for often it falleth out that the reasons of one part are so pregnant, that they seeme to conuince, and yet when they are weighed with the reasons of the other part, they are neither pregnant, nor so much as probable: for according to the old prouerbe, one tale is good vntill an other be heard.

30. To which purpose it is to be considered, that many heretikes, and namely the Arians (of whom there are many euen at this day) both doe, and may well pretend a farre greater probabilitie for their opinion, than Widdrington doth or can for his, considering their abundant allegation of Scriptures, their subtile shifts in answering the arguments and obiections of the Catholikes, the great multitude of learned men of their Sect in times past, and their dignitie in the Church, the Conuenticles assembled, and held in their fauour, and finally the ample propagation of their opinion and Sect, especially in the time of Constantius the Emperour. For which respects their followers, at this day, doe hold their doctrine not only for probable, but also for infallibly true, and condemne the contrary for pernicious heresie: whereas Widdringtons grounds and proofes of his opinion seeme to himselfe so weake, that he dare not affirme them to be more then probable.

31. Therefore as there is no good Christian that doth now hold the arguments of the Arrians to be so much as probable, considering the potent reasons, and proofes of the Catholike doctrine in that point, so albeit the arguments and authorities, which Widdrington produceth, were they farre more plausible and pregnant then they are, yet no Catholike could esteeme them to be any way probable, being compared and ballanced with the irrefragable proofes of the other part; I meane the arguments, and necessarie consequences drawne from the holy Scriptures, the authoritie of almost all the learned Doctors and Diuines that haue written of that point, and the practise of the Church for some hundredth of yeares confirmed by nine or ten Coun-

l See Supplem.
chap. 2. num.
76. 77.

m Disput. The-
olog. cap. 10.
sec. 2. num. 7.
vsque ad num.
21.

n 14. 2a. disp.
62. cap. 1. num. 1.

o Ibidem num.
26.

p Pbi supra
disp. 79. cap. 1.
& disp. 86.

cells^l, whereof some have been the greatest that ever were in Gods Church; and therefore I say that all this being well weighed, no Catholike man of sound wit, or indgment can imagine this mans arguments (which he himselfe houldeth but for probable) to have any probabilitie in the world, or to proue anything else but his weakenesse, wilfulnesse, and folly in propounding and mainteining them.

32. For albeit he teacheth out of Vasquez^m, and others, that of two opinions the lesse probable and lesse safe may securely be followed, and that the opinion of a few, yea of one approued Doctor, sufficeth sometimes to make an opinion probable, though many hold the contrary to that one Doctor (to which purpose he filleth aboue a dozen pages of his booke with Vasquez his doctrine and text) yet he is absurd in applying the same to this our case; for although Vasquez doe teachⁿ that a man may in doubtfull cases or questions securely follow the opinion of a few learned Doctors, though the same be lesse safe, and probable, then the contrarie opinion held by many, yet he is to be understood to speake only of such disputable questions, as my Aduersary Widdrington himselfe alleageth^o for example sake out of Vasquez, to wit, whether there are any habits infused by God alone, concerning which question Vasquez saith, P that albeit Pope Clement the fift did determine expressly in a Councell held at Vienna, that there opinion who held that there are such habits, is more probable, then the negative, yet it was neuer either by that decree, or any other of Pope, or Councell determined to be more then probable, in which respect he doth not condemne the contrarie doctrine for heresie, notwithstanding that he, and the farre greater part of learned men do hold the other to be certainly true.

33. So as Vasquez is to be understood to speake of questions and opinions altogether undecided, and not of such a doctrine as ours, touching the Popes power to depose Princes, which, as I haue said, hath not onely beene taught by the learnedst men of many ages, but also is grounded up-

on the holy Scriptures, and confirmed by the practise and decrees of diuers Popes and Conncells, as well Generall as Prouinciall, as (to omit the other mentioned in my Supplement 9) it is euident by the decree of the famous Conncell of Lateran, which expressly ordained the practise of it in some cases, and did therefore necessarily suppose, and firmly beleue the verity of the doctrine, as I will clearly prooue^r hereafter in this Reply, and withall shew the ridiculous absurditie of Widdringtons arguments and instances against the same, yea and conuince him^s even by his owne testimonie to be false (to use his owne words) into error or heresie, for not beleining this doctrine, which that famous Generall Conncell beleined, and ordained to be practised.

34. In the meane time he is to understand, that whereas to shew the probabilitie of his doctrine, he bringeth many Authors, partly in his Theologicall Disputation, and partly in his Apologie, I remit him to D. Schulckenius; who hath answered particularly to euery one of them, and proued clearely, that diuerse of them doe make flatly against him, and many nothing at all for him (being truly understood) and that some others are worthily reiected, being either so absurd, that they are easily confuted by the circumstances of the places alledged, or else Heretikes (as it appeareth by their doctrine in other things) or knowne Schismatikes, who lining in the time of the Emperors or Kings that were deposed, wrote partially in their fauour, of which sort neuerthelesse there are very few; so as of all the Authors, that he hath scraped together to make some shew of probability in his doctrine, he hath no one cleare and sufficient witnesse to iustifie the same.

35. And therefore seeing that all his pretended, probabilitie consisteth partly in the authoritie of the Authors, and partly in the sufficiencie (as he supposeth) of his answeres to our grounds, arguments, and authorities, which answeres I shall haue occasion to confute in this Treatise, and to shew them to be so farre from probabilitie, that

q Cap. 2. num.
76. 77.

r Cap. 15. nu.
6. 7. 8.
f Ibidem num.
9. 11. 12.

they are wholly impertinent, and sometimes ridiculous for their absurdity; therefore I conclude, that he cannot any way cleere or excuse himselfe from the note of great temerity and grosse error (yea flat heresie if he bee obstinate) in impugning our doctrine grounded upon such assured and solid foundations as I have here signified, and will more particularly and manifestly declare hereafter: as also I will put thee in minde (good Reader) oftentimes by the way to note how probably or rather (to say truly) how absurdly he argueth and answereth, to the end thou maist the better iudge, how dangerous it will be for thee to venture thy soule upon his pretence of probability, which is no other but such as any heretike may haue for his doctrine.

36. For all Heretikes doe thinke themselves and their fellowes as good and sufficient Doctors to make an opinion probable, as he either is, or esteemeth his Authors to be; and they neuer want Scriptures and Fathers that seeme to them to confirme their opinions, and doe make as probable answers to our objections out of Scriptures and Fathers as hee doth, and many times much more probable, then he, yea and they may either with his arguments and instances, or other as probable as they, impugne the authoritie of any decree of a General Council, be it neuer so expresse against them, saying that the fathers who made it followed, but a probable opinion, and so might erre, as you shal heare he answereth to the decree of the Councell of Lateran.

37. And so you see, that if his pretended probability be admitted against the common doctrine, practise and decrees of the Church, any heretike will not onely easily defend, but also establish his heresie: and any point of Catholike faith may easily be called in question & made only probable, and consequently doubtfull, obnoxious to error, and to be reiected by any man that list to embrace the contrary: which truly I leaue (good Reader) to thy consideration, whether it bee not the right way to ouerthrow Catholike Religion, and to introduce all Heresie and Atheisme.

38. This is my Adversaries fourth admonition, the substance

t Infra chap.
13. num. 1.

substance whereof although I could haue comprised
 in few lines, yet I thought good to set it downe en-
 tirely word by word as it lieth, to the end the Reader
 may more plainly perceiue his fraudulent, vnchari-
 table, and insufficient proceeding therein. And first
 he declareth, what is requisite to a *probable* argument.
Secondly, he affirmeth, that *Vasquez* doctrine, which
 I related in my *Theologicall Disputation*, for following
 of *probable* opinions is to be vnderstood to speak only
 of questions & opinions altogether vndecided, & not
 of such a doctrine as theirs is touching the Popes pow-
 er to depose Princes, which hath beene taught by the
 learnedst men of many ages, is grounded vpon the holy
 Scriptures &c. *Thirdly*, he inferreth, that any heretike,
 and namely the *Arrians* may pretend as great, yea and
 farre greater *probability* to prooue their heresie, then I
 doe, or can doe to prooue my doctrine. *Fourthly*, he
 auerreth, that all my pretended *probability* confi-
 steth partly in the authoritie of those Authors, which
 I bring in my *Theologicall Disputation* and also in my
Apologie, and partly in the sufficiencie, as I suppose,
 of my answers to their grounds, arguments and au-
 thorities; for confutation of the first my *Adversarie*
 remitteth his Reader to D. *Schulckenius*, and for the
 second he himself promiseth to shew them to be so far
 from *probability*, that they are wholly *impertinent*, and
 sometimes *ridiculous* for their *absurditie*, and that
 therefore I cannot any way cleere or excuse my selfe
 from the note of great temerity and grosse error, yea,
 flat heresie, into which he will, forsooth, conuince me euen
 by mine owne testimonie to be false, for not beleeuing this
 doctrine touching the Popes power to depose Princes, which
 that famous Generall Councell of Lateran beleue d, and
 ordained to be practised. But how vaine are the brags
 of this glorious boasting man, and who in very deede
 is the *impertinent, ridiculous and absurd*, thou shalt haue
 (good Reader) a taste by my answer to this his admo-
 nition

nition, and by my answers to the rest of his Replies thou shalt more fully perceiue, as also that I am free from all note of *temerity*, *error* or *heresie*, and how dangerous it is for thee to venter thy soule and whole estate vpon the credit of this vnlearned and vncharitable man, who as hee is knowen to bee a man of no great learning, so also both heere and in the greatest part of his Replies sheweth great want not onely of *learning*, but also of *charity*, *sinceritie*, and also of *Christian modestie*, as partly thou hast seene already and heereafter shalt most cleerely vnderstand.

39. First therefore consider (*Courteous Reader*) whether Mr. Fitzherbert by his description of a *probable* argument intendeth to quiet and satisfie, or rather to disturbe and perplexe the timorous consciences of vnlearned Catholikes, who cannot vnderstand what he meaneth by those words, *in some sort*, and how an argument, which is far the lesse *probable*, can by those words be distinguished from an argument, of the contrarie opinion, which is by much, the more *probable*. For although it be true, that *probable* arguments for one opinion must be able *in some sort* to counterpoise the arguments of the contrary opinion in the iudgement of those, who thinke that opinion to bee *probable*, and are able to weigh and ballance the intrinsecall grounds, or arguments on both sides, yet vnlearned men, who are not able to iudge & examin the intrinsecall grounds of any opinion, but are onely led by authority, can not easily discern, how farre this, *in some part*, which hath so great a latitude, is to bee extended. Neither is my *Aduersarie*, as I suppose, so ignorant in philosophy, although perchance he hath spent smal time in the studie therof, as to imagin, that *probability*, is in the thing it selfe, as truth and falshood are, according to that saying of the philosophers, *ex eo quod res est vel non est, propositio dicitur vera vel falsa*: a proposition is sayd to bee true or false, for that the thing

thing it selfe, which is affirmed or denyed is, or is not.

40 For *probabilitie* is not in the thing it selfe, but in the vnderstanding of him, who approueth the opinion or doctrine, in so much that although an opinion, which once is true, can afterwards neuer be false, nor which once is false, be afterwards euer true, yet an opinion, which once was *probable*, may afterwards be *improbable*, and contrariwise, which was once *improbable*, may afterwards proue *probable*, according as it shall be approued or disproued by men skilfull in the arte which they professe: yea an opinion, which to some Doctors is *improbable*, and also *hereticall*, to others may be *probable*, yea and approued as the more true opinion: And this proceedeth from the diuersitie of mens iudgements and opinions, where oftentimes are seene, according to the vulgar saying, *quot capita tot sententia*, *as many heads so many opinions*. That is *probable*, say the Philosophers, taking it from Aristotle^u, which is approued by wise and skilfull men in the arte, which they professe: so that what argument or opinion learned men doe approue, is a *probable* argument or opinion. And this description of *probable* is not obscure and intricate, but cleare and perspicuous euen to ignorant men, who can easily discern, what opinion or argument learned men doe approue. And therefore well said Armilla^z, whom I cited in my Theologicall Disputation^y, that a man is not bound alwaies to shew the better opinion, but it sufficeth that he follow that, which some skilfull Doctors iudge to be true: and learned Nauarra, whom I also related in that booke^z, for the quieting of scrupulous consciences affirmeth, that in the Court of Conscience, to the effect of not sinning, it sufficeth to choose for true his opinion, whom for iust cause we thinke to be a man of a good conscience, and of sufficient learning.

41 Wherefore when my Adversarie affirmeth, that

u I. Top. cap. 1.

x Verbo opinio
nu. 2.

y cap. 10. sec.
2. nu. 21.

z cap. 3. sec.
3. nu. 14.

a in Manuali
cap. 27. num.
288.

that to make an argument probable, it sufficeth not, that it seeme good and true in it selfe, but it must also be able in some sort to counterpoise the arguments of the contrary opinion, if he meane, that it must alwaies be able in some sort to counterpoise the arguments of the contrarie opinion, in the iudgements of those who are not of the contrary opinion, and doe not approue the argument for good, this, if it were lawfull for me to vse my *Aduersaries* yndecent words, is absurd and ridiculous, for that oftentimes it falleth out, that some Doctours doe thinke an opinion to be *improbable and hereticall*, which other Doctours of the contrary opinion doe thinke not onely to be *probable*, but also to be the more true opinion, as it is euident in the question touching the superioritie of the Pope and Conncells. For the ancient Doctors of Paris, as *Ioannes Maior*, & *Iacobus Almainus*, who wrote against *Cardinall Caietan* concerning this question, thought the opinion, which held the Pope to be aboue a *Generall Conncell*, to be *improbable*, yea and other Doctors, as *Cardinalis Cameracensis*, and *Iohn Gerson*, thought it to be *erroneous and hereticall*, which neuerthelesse *Cardinall Caietan* defended to be the more true opinion.

42 But if my *Aduersarie* meane, as needs he must, if he will speake with reason, that to make an argument probable, it must alwaies be able in some sort to counterpoise the arguments of the contrary opinion, in the iudgements of those, who either are not of that contrary opinion, or else doe not reiect the argument as *improbable*, this is most true: for in the iudgments of those, who do not onely reiect the argument as *improbable*, but doe absolutely approue it for good, and for the more *probable*, it doth not only in some sort counterpoise, but it doth also in some sort overpoise the arguments of the contrarie opinion, as any man may plainly perceiue by *Vasquez* doctrine, which because it fully cleareth this present difficultie, and is able to quiet

Maior de au-
thorit: Ecclesia
circa finem.

Almainus de
authorit: Eccle-
sia cap: 7.

Card: Came-
rac. de autho-
rit. Eccles. part.

3. cap: 4.

Gerson in li-
bello contra
Petrum de Lu-
na. artic: 22.

& alibi.

b Cap: 10. Sec:
2.

c In Chron:
monast: Hir-
saug: ad annum
1106.

d De dominio
nat: civ: &
Eccles. in pro-
bat: 2. concl.
e in Cod. libers.
Eccles. Gallie.

which very many Doctors doe defend, saith *Almainus*^d, and which the Kingdome of France hath alwaies approved for certaine saith *Pithens*^e, and which the late proceeding of the Parliament of Paris against the contrarie doctrine taught by *Suarez*, *Card: Bellarmine*, and others hath cleerely confirmed (to omit the forme of oath lately propounded by the tiers Estates,) and that *Card: Peron* himselfe doth not reject it as improbable, I remit to the iudgement of the indifferent Reader.

f Cap: 10. sec.
2. num. 32.

44. Yea my *Aduersarie* himselfe, although hee vntruly and vnlearnedly, as you shall perceiue beneath, chargeth me with heresie, for defending the aforesaid doctrine as probable, or to vse *Cardinall Perons* word, as *problematicque*, dare not auouch, that the doctrine is defined by any *Generall Councell*, which neuerthelesse, as I shewed in my *Theologicall Disputation*^f out of *Card: Bellarmine*, and *Canus*, is necessarie that a decree of a *Generall Councell* can make a point of faith, and the contrarie doctrine to be hereticall, but with mincing tearmes onely affirmeth, that it hath been taught by the learnedst men of many ages, is grounded vpon holy Scriptures, and confirmed by the practise and decrees of diuers Popes and Councells, especially of the great Councell of *Lateran*, which expressly ordained the practise of it in some Cases, and did therefore necessarily suppose, and firmly beleue the veritie of the said doctrine. But besides that here is no speech of any definition, which onely can make any doctrine to be of faith, and the contrarie to be hereticall, and also it is vsuall among Diuines to affirme, that their doctrine hath been taught by the learnedst men of many ages, is grounded vpon holy Scriptures, is not onely confirmed by the practise, but is also expressly defined by the decrees of *Generall Councells*, which neuerthelesse doth not terrifie other learned men from impugning their doctrine and opinions, I will shew

shew beneath, that the *Councell of Lateran* did neither ordaine the practise of that doctrine, nor necessarilie suppose or firmly beleue, especially with diuine and supernaturall beleefe, the veritie thereof; and I will answer all the Replies, which my *Aduersarie* hath taken out of *Fa: Lessius* (masked vnder *D. Singleton's* name) against my answers, and hath filled not only a dozen pages, but well neere foure dozen pages of his booke with *Fa: Lessius* his doctrine & text, yet concealing his name, belike to make his Reader beleue what a learned Diuine he is now become, and that those Replies were not the fruits of other mens witts, but the subtile inventions of his owne fertile braine, whereas it is well knowne, what small skill *M^r. Thomas Fitzherbert* hath in Theologicall learning.

45 But if my *Aduersarie* had been resolved sincerely to handle this question, and really to finde out the truth, he might easily haue gathered out of *Vasquez* doctrine, the answer to this his Reply. For when *Vasquez* affirmeth, that if a learned man, who hath thoroughly seene, and examined all the reasons of the contrary part, shall iudge against all other writers, who haue gone before him, that his opinion is the more probable, he may although it be the lesse secure opinion, embrace it, and in practise follow it, his assertion is generall, whether it be concerning any doctrinal point, which is thought to belong to faith, or any text of holy Scripture, or any decree or definition of Pope or Generall Councell, which are in controuersie among Catholikes. Yea according to *Vasquez* doctrine, it is lawfull for other men, who hold the contrarie opinion to be the more probable, without any note of temeritie, to embrace it, and in practise follow it, vnlesse it be a singular opinion and of one onely Doctour (as this doctrine which denieth the Popes power to depose Princes is not singular and of one only, but of many, as I will

g In the third
part, chap. 9.
and the rest.

shew beneath:) for then, saith Vasquez, if it be a singular opinion, and of one onely Doctor, although it may be probable to that Doctor (who is not therefore so easily to be condemned of temeritie) yet to him, who lieth not the proper and intrinsecall grounds of that singular opinion, and of one onely Doctor, and seeth it to be grounded upon the authoritie of one onely Doctor, hee ought not to account it probable to this effect, that he may prudently follow it in practise against his owne, and the common opinion of all others.

46 But if it be not a singular opinion and of one onely Doctor, although the learned men of the contrarie opinion doe vrge for their doctrine some law, decree, or definition, which the contrarie part hath seene and examined, and hath in some sort answered therevnto, it is lawfull for any learned man according to Vasquez, to follow in practise that other lesse secure and lesse common opinion, against his owne opinion, albeit it be the more secure and common opinion. For when we perceiue, saith Vasquez, that the Authors of the contrarie opinion haue seene, and considered all the grounds and reasons for our opinion, and haue observed that obiection taken from that law or decree, and haue endeauoured to answer them, and that they were not convinced by them, we may iustly thinke, that we may prudently and lawfully follow in practise the opinion of those other men against our owne, neither ought wee to suppose that our reasons are euident demonstrations, and which doe make the contrarie opinion to be voide of all probabilitie.

47 And this doctrine of Vasquez is euident in the question concerning the superioritie of the Pope aboue a Generall Councell, which hath been so long debated betwixt the Doctors of Rome and Paris. For both of them affirme, that their opinion is grounded upon holy Scriptures, is confirmed by the practise and decrees, yea and definitions of Generall Councels, and yet both of them,

the, because they are approued by learned Catholike Diuines, are probable, although, as *Nanarra*, ^h out of *Ioannes Maior* a learned Diuine of *Paris* relateth, that the opinion of the *Parishioners* is not permitted to bee defended at *Rome*, nor the opinion of the *Romanes* to bee defended at *Paris*. And therefore into what fowle tearmies, throw you, would my *Aduersarie* breake, if the *Doctors* of *Paris*, who doe resolutely hold, that the *Pope* is inferiour to a *Generall Councell*, should argue against *Card. Bellarmine* and others of his opinion, in the same manner, as this fowle mouthed man, who hath still in his mouth *absurd, ridiculous, impertinent, foolish, impudent, temerarious, impious, hereticall, or erroneous*, that their doctrine hath not onely beene taught by the learnedst men of many ages, but also it is grounded upon holy *Scriptures*, confirmed by the practise and decrees of diuers *Councils*, but especially of the famous *Councell* of *Constance*, which did not onely ordaine the practise of it in some cases, and therefore necessarily suppose and firmly beleene, but did also expressly define, and consequently command all *Christians* to beleene the verity of that doctrine, and that therefore *Card. Bellarmine* is false into heresie, for not beleenuing that doctrine, which that famous *Generall Councell*, beleened, defined, and ordained to be practised and also to be beleued.

48 By this it is apparant, that *Vasquez* doctrine is to be vnderstood generally of all cases, questions, and opinions, which are in controuersie among learned Catholikes, although one or both parts doe pretend their doctrine to be offaith, and to be grounded vpon the authoritie of holy *Scripture*, or some decree of *Pope*, or *Generall Councell*, and that learned Catholikes ought not, according to *Vasquez*, to bee easily condemned of temeritie, and much lesse of error or heresie, who doe not follow the more common, the more probable, and the more secure opinion of other Catholike *Doctors*, although this common opinion

*h In cap. Nouis
de Iudicijs no-
tab. 3. nu. 84.*

seeme to some followers thereof to be an vndoubted doctrine, and to be confirmed by some *Decree, Law, or Canon of Pope, or Generall Counsell*, which *Decree, Law, or Canon* those learned Catholikes haue seene, examined, and answered, although their answers doe not satisfie the contrarie side. And conformably to this doctrine did *Vasquez*, as I obserued in my Theologicall Disputation, dispute that question, *whether there be any habits, which are infused by God alone*. For although he expressely affirmeth, *that it is the constant, without controuersie, and vndoubted opinion of the Schoole-Diuines, that there bee certaine vertues called Theologicall, Faith, Hope, and Charitie, which of their owne nature are infused by God alone, and that some Docters, as Andreas Vega, doe hold this doctrine to bee of faith, and the contrarie to be hereticall, or erroneous, endeavouring to proue the same, not out of the Conncell of Vienna, which did onely declare it to be the more probable opinion, but out of the Conncell of Trent, yet Vasquez would not condemne the contrarie opinion not onely of heresie, as my Aduersarie would cunningly perswade the Reader, but not so much as of temeritie. From whence I inferred, that, according to Vasquez doctrine, which my Aduersarie fraudulently concealeth, the constant, without controuersie, and vndoubted opinion of Schoole-Diuines, and which some of them, thinke to be a point of faith, may sometimes bee rejected without any note, not onely of heresie or error, but also of temeritie, which doctrine doth cleerely satisfie the common argument drawne from the authoritie of learned men, who hold the doctrine for the Popes power to depose Princes to bee a point of faith, and consequently the oath to bee repugnant to faith and saluation. And thus much concerning the first and second point of my Aduersaries fourth Admonition.*

49 Astouching the third point it is apparantly vntrue,

vntrue, and very iniurious to Catholikes, and to Catholike Religion to affirme, *that the Arrians, or any other heretikes may well pretend a farre greater probabilitye for the establishing of their heresies, then may I and those other Catholikes, who hold it probable, that the Pope hath not power to depose Princes.* For (besides that the *Arrian* heresie was expressely condemned in the first eight *Generall Councils*, and afterwards in many others, and the *Arrians* haue euer been accounted heretikes by ancient Fathers and all other Catholikes, wheras there cannot be alledged so much as any shew or colour of any one definition of a *Generall Council*, wherein the doctrine which denyeth the Popes power to depose Princes is condemned for *hereticall*, but all the proofes that my *Aduersaries* alledge, that the *Pope* hath such a power, are onely ouer-wrested similitudes, facts, examples, inferences, and suppositions of their owne, drawne from the authoritie of holy Scriptures, Popes, or Councils) when the Philosophers and Diuines doe affirme, that the authoritie of learned and skilfull men sufficeth to make the doctrine or opinion *probable*, which they approue, they vnderstand of learned and skilfull men approving a doctrine belonging to the art, which they professe, according to that vulgar maxime, *unicuique in sua arte perito credendum est*, we must giue credit to euery man skilfull in his art.

50. So that in a point of Law, the authoritie of skilfull Lawiers, and not of skilfull Physitions, in a point of Physike the authoritie of skilfull Physitions and not of Lawiers, and in a point of Catholike Religion, the authoritie of learned Catholikes, and who are skilfull in points of Catholike Religion which they professe, and not of heretikes, and who doe not professe Catholike Religion, doth make the opinion, or doctrine which they approue to be *probable*. And therefore my *Aduersarie* very insufficiently (not to
vfe

vse those fowle words absurdly & ridiculously, which hee so often vseth against mee) argueth from the authoritie of learned Catholikes to the authoritie of heretikes, whose doctrine according to the definition of *probable*, can neuer make the opinions, which they approue in points of Catholike Religion, which they doe not professe, to be *probable*. Neither by this can any point of Catholike faith, which is knowne to all learned Catholikes to be a point of Catholike faith, be easily called in question, and made onely *probable*, for that no learned Catholike will cal in question any doctrine, which is cleerely knowne to be the Catholike faith, and as for heretikes their authoritie can neuer make any doctrine belonging any way to Catholike Religion, which they doe not professe, to be *probable*.

51 But if there should arise any controuersie among learned Catholikes, whether this or that doctrine be of faith, and in what sense the words of such a text of holy Scripture, or of such a Canon, or Decree of Pope or Councell are to be vnderstood, there is no doubt, but that the authoritie of learned Catholikes may in those cases make their opinion *probable* although other Catholikes would be so stiffe in their owne opinion, as to condemne the contrarie part of *heresie, error, or temeritie*. A manifest example hereof we haue in the *Councell of Constance*, wherein according to *John Gerson* and other learned men, who were present at that Councell, it was expressely defined, that the Pope is inferiour and subiect to a Generall Councell lawfully assembled, and therefore the contrarie to be flat *hereticall*, but since that other Catholikes, especially *Romane Diuines* haue called that Decree in question, and haue endeauoured to answer therevnto, affirming that it was only meant of Popes in time of Schisme, or that the aforesaid Decree was not confirmed by *Pope Martin* in the end of the Councell

Councell, which answeres neuerthelesse doe not satisfie the Doctors of the contrarie opinion, I doe not thinke, but that my *Adversarie* will confesse, that the opinion of the Romans may bee accounted *probable*, and that the calling of that Decree in question was not the right way to ouerthrow Catholike Religion, and to introduce all *heresie* and *Atheisme*.

52. But if it should perchance fall out, that some Catholikes would be so selfe opinariue, as to affirme without any definition at all of the Church, although vnder pretext of zeale and deuotion to the See Apostolike, any doctrine to be of *faith* and the contrarie to be *hereticall*, and other Catholikes although the farre fewer in number should deny the same, especially in a matter which concerneth our obedience due to God and Cæsar, if the first part only should be permitted to write freely what they please, and to taxe the other part of *heresie*, to omit *error*, *temeritie*, *folly*, *ridiculous absurditie* and such like, and this other part should be forbidden to defend their good names, and to answer for themselves, I leaue (good Reader) to thy consideration, whether this be not the right way to ouerthrow Catholike Religion and the vndoubted grounds thereof, and to introduce vncertaine opinions for an infallible doctrine of the Catholike faith, which is to open a wide gap to *heresie*, *Atheisme*, and euident iniustice, and to make among Christians a perpetuall dissention betwixt the Cleargie, and Laity, the temporall and spirituall power. Now that this doctrine for the Popes power to depose Princes is not by any *definition* at all of the Church declared to bee true, my *Adversary* cannot denie, and that it euer hath been and is impugned by learned Catholikes, and the contrarie hath euer beene, and is by them approved, and therefore it is truly *probable*, and not only hath a pretence of *probabilitie* I will shew beneath, where I will both relate the Catholike Authours, who

deny this authoritie of the Pope to depose Princes, which only is sufficient to make their doctrine *probable*, and also I will discover the insufficiencie of those *Replies*, which my *Aduersary* hath made against my answeres. And thus much concerning the third point.

53. For the *fourth* and last point, consider, *Catholike Countreimen*, whether Mr. *Fitzherbert* intendeth to declare vnto you plainly and sincerely this present controuersie, and by a cleare explayning of the question to quiet your consciences, or rather by wrangling and cauilling to obscure the difficultie, and blind your vnderstandings. The question betwixt him and mee at this present is, whether it be a *probable* doctrine, that the *Pope* hath not any power by the institution of *Christ* to deprive Soueraigne Princes of their temporall power, and Regall authoritie: And there are two only grounds to perswade any man, that this or that doctrine or opinion is truly *probable*. The one are called *intrinsicall groundes*, to wit, the arguments and reasons, which are drawne from holy Scriptures, sacred Canons, Theologicall reasons and such like, to proue that doctrine or opinion: and these groundes are proper only to learned men, who are able to weigh and examine the arguments on both sides; The other are called *extrinsicall grounds*, which doe onely consist in the authority of those learned men, who doe hold that doctrine or opinion, because according to that which hath been said before, that doctrine is trulie *probable*, which is approued by wise and skilfull men in the art which they professe; and by these onely grounds vnlearned men can be perswaded, that any doctrine or opinion is truly *probable*.

54. Now my *Aduersary* seeing, as he saith, that all my pretended *probabilitie* consisteth partly in the authority of those *Authors*, which I haue brought in my Theologicall Disputation, and in my Apologie, and partly in the
sufficiencie,

sufficiencie, as I suppose, of my answers to their groundes, arguments and authorities, yet he taketh vpon him in this Reply only to confute some of my answers to their intrinsecall groundes, and for the confutation of the authorities which I bring, hee remitteth his Reader, to D. Schulckenius, who, as he saith, hath answered particularly to euery one of them. Seeing therefore that there is no sufficient way to satisfie the vnderstandings of vnlearned men, that the doctrine, which holdeth the Pope to haue no authoritie to depose Princes, is not truly probable, but by shewing that no learned Catholikes do approue the same, for that vnlearned men are not able to examine the intrinsecall groundes of any Theologicall question, but are only led by authoritie, and extrinsecall groundes, and if they once perceiue, that learned Catholikes doe approue any doctrine, they will presently also perceiue that doctrine to bee truly probable, is there any likelihood, that Mr. Fitzberbert intended to giue satisfaction to his vnlearned Countreimen, by replying to some of the answers, which I made to their arguments, and intrinsecall groundes of their doctrine, which intrinsecall groundes vnlearned men cannot examine, and for an answer to the authorities and extrinsecall groundes which I brought, which only groundes vnlearned men can vnderstand, to remit his English Readers, and who for the most part vnderstand not Latine to D. Schulckenius a Latine writer.

55. Besides, from my *Aduersaries* own wordes the Reader may easily perceiue a great fraude of his. For my *Aduersarie* confesseth, that I haue brought many *Authours* partly in my *Theologicall Disputation*, and partly in my *Apologie*, which is very true; for in my *Theologicall Disputation* of set purpose I chose out certaine *Authours* named in my *Apologie*, which I thought did speake more plainly, and against which no iust exception could be taken; whereunto also I added certaine

other *Authors* which in my *Apologie* were not named at all: And yet my *Aduersarie* remitteth his Reader for an answer to them all, to D. *Schulckenius*, who hath only answered (but how insufficiently you shall see beneath) those authorities which I brought in my *Apologie*: for my *Theologicall Disputation* he could not at that time see, it being then but in the *PRINTERS* hands. But the plaine truth is, that vnlesse my *Aduersarie* would haue shewed apparantly to wrangle and cauill, hee could take no iust exception whereby his Reader might be fully satisfied, against those *Authors*, which I brought in my *Theologicall Disputation*, and therefore he thought it his best course cunningly to shift them of, and not to meddle with the answering of them at all, least the Reader perceiuing so many learned Catholikes to ioyne with *Widdrington* in denying this doctrine for the Popes power to depose Princes especially to be a point of faith, should presently obserue both the fraudulent proceeding of my *Aduersarie*, who laboureth to perswade his Reader, that only *Widdrington* doth impugne this authoritie of the Pope to depose Princes, and also that the contrarie doctrine being approued not only by *Widdrington*, but also by so many learned Catholikes is, and ought to be accounted truly *probable*, and therefore may according to *Vasquez* doctrine without any note of *temeritis* be embraced by any Catholike. But of these authorities I will treat more at large beneath. And thus much concerning my *Aduersaries* fourth Admonition, and all the foure points thereof.

56. Now to come to my *Aduersaries* fift and last admonition, which indeede, as he truely saith, is *worthie to be noted*, but not for any truth therein to be obserued, but for the manifest fraud and fallhood therein contained: *The first and last consideration shall be*, saith my *Aduersarie*, * that *Widdringtons doctrine is dangerous and pernicious not onely to the consciences of Catholikes,*

* Num. 25. &
seq.

likes, (as I haue shewed) but also to his Maiesties seruice, which he pretendeth to further and aduance thereby; for he cannot denie, but that the contrary opinion being probable (as he confesseth it to be) may bee lawfully imbraced by all men; whereupon it followeth, that any man may not only refuse the oath lawfully, but also hold, that his Maiestie may be deposed by his owne subiects vpon a sentence of Excommunication and Deposition, and that consequently they may lawfully take armes against his Maiesty in that case; and this being so, what security hath his Maiesty, or aduancement of his seruice by this mans doctrine? For albeit many doe now take the Oath, and sweare that they thinke in their conscience, that the Pope cannot depose the King; yet for as much as it is, and alwaies will be probable, in the opinion of some learned men, that they haue sworne a thing, which is false, and consequently that their Oath is inualide, it followeth (according to the grounds of his doctrine) that they may breake their Oath, seeing that they may alwaies probably perswade themselves, that they promised and swore a thing false and vnlawfull, and that therefore they are not bound to obserue it.

57. Furthermore, if his Holinesse should at any time dispend with them particularly for their Oath, or excommunicate and depose his Maiestie, discharging his Subiects of their bond of fidelitie, and all others of Allegiance, this man cannot deny, but that it is probable at least, that then they are free from the Oath, and consequently that they may (euen according to his doctrine of probabilitie) concurre to the deposition of his Maiestie: and therefore seeing that his doctrine doth not giue any security to his Maiestie, and that according to his opinion any man may as lawfully condemne and refuse the Oath, as approoue and take it, it is euident, that his sayd doctrine is not onely vaine and fruitlesse to his Maiestie, but also dangerous and pernicious, no lesse impugning the authoritie of his Maiestie commanding it to be taken, then of his Holinesse forbidding it.

Apoc. 3.

58. Whereupon I inferre three things; the first, that he is neither so good a subiect to his Maiesty, as he pretendeth, nor such an obedient childe to the Church as he professeth to be. The second is, that his booke deserue to be prohibited no lesse in England then Rome; and therefore truly wise men in these parts doe greatly marvel how it can stand with the wisdom of his Maiesties Councell to permit them to be printed and published in England as we see they are. The third is, that he is one of those, whom God threatneth in the Apocalyps, to spit out of his mouth, saying of such indifferent men as he, *Vtinam esset aut calidus, aut frigidus &c.* I would thou wert either hot or cold, but because thou art luke-warme, I will beginne to vomit thee out of my mouth.

59. And this shall suffice, good Reader, for the present, touching those aduertisements and considerations, which I meant to giue thee concerning Widdringtons doctrine in generall: and therefore I will now passe to the examination of his answers to me in particular, and lay downe in order as much of the text of his Admonition, as concerneth me, to the end that he shall not haue occasion to say, that I haue concealed or dissembled anything that he hath said against me; as also that thou maiest see, how probably he hath answered me, and thereby the better iudge of the probability, as well of his answers to other men, as of his whole doctrine in his Theologicall Disputation, which as I understand, thou shalt shortly see fully confuted in Latine to his confusion. Besides that, I doubt not, but thou shalt also, euen in this my Reply, see a cleere confutation of the chiefe grounds of his doctrine, and of his principall arguments and answers touching the Popes power to depose Princes, which is the maine question betwixt him and vs, and specially impugned, and abiured in the new oath.

60. But what strange paradoxes and positions void of all probabilitie Mr. Fitzherbert dare aduenture to maintaine, yea and to perswade his Maiestie, and the wisdomes of his most honourable priue Councell, that

that it is dangerous to his *Maiesties* safetie, to haue this doctrine for the Popes power to depose his *Maiesty*, to be so much as called in question in his Dominions, thou maiest, *good Reader*, cleerely perceiue by this his last *Admonition*, wherein thou shalt obserue the manifest fraud and falshood of this man. For if *Mr. Fuzherbert* had either sincerely, or entirely related my opinion and doctrine, or else had put in mind his Reader against what kind of *Aduersaries* I do oppose, any man of meane vnderstanding would presently haue perceiued (as I obserued elsewhere; ⁱ which my words I thinke it not amisse to set downe heere againe) that it is too too apparantly and shamefully vntrue, that my manner of handling this question *probably* can be dangerous or pernicious to his *Maiestie*, as my *Aduersaries* endeauoureth to perswade his *Maiestie*, not for any loue that he is knowen to beare vnto the State, but to the end by all likely-hood, that he and such like violent spirits may write more freely of this subiect, and without being controlled or contradicted by Catholikes, who, as he is perswaded, do little regard the writings and opinions of Protestants concerning this or any other doctrine.

61. For it may bee dangerous to his *Maiesty* to handle a question *probably* against one *Aduersary*, which will be nothing dangerous to handle it *probably* against another. As for example, if it wer agreed vpon by all Catholikes, that the *Pope* hath no power to depose his *Maiestie*, then it would bee dangerous to his *Maiestie*, that any Catholike should call this in question, and dispute it *probably*: but if on the contrary side all Catholikes should agree in this, that it were certaine, unquestionable, and a poynt of faith, that the *Pope* hath power to depose his *Maiestie*, and to absolve his Subjects of their Allegiance, to command them to take armes against him &c. then if a Catholike should call this in question, or which is all one, dispute it *probably*, and

i In the Admonition to the Reader before my English Purgation sent to his Holinesse.

and maintaine, that it is not certaine, that the *Pope* hath such an authoritie, but that it is *questionable*, and *probable* that he hath it not, no man of any sense or vnderstanding can affirme, that such a manner of disputing this question *probably* against those *Adversaries*; who hold it for *certaine* and *unquestionable*, can bee any way dangerous or pernicious to his *Maiestie*.

62 Now behold the manner, which I haue taken in handling this controuerſie. *Card: Bellarmine, Fa: Gretzer, Lessius, Becanus, Suarez*, and some other Diuines, especially of the Societie of Iesus, whom Mr. T. F. in euery step, as though he were their creature, (as now he is become one of their companie,) doth follow, haue laid this for a sure and vndoubted ground, that it is *a point of faith*, and to be beleued as certaine, and vnder paine of eternall damnation by Catholikes, that the *Pope* hath power to depose Princes, to absolue Subiects from their allegiance, and therevpon to command them to take armes, and raise tumults against their Prince so deposed. So that you see, that these men haue already laid the danger and vndoubted ouerthrow to his *Maiesties* Person and Crowne, if the *Pope* should perchance depose him, in that they affirme, that all Catholikes are in that case bound in conscience to forsake him, and to fulfill the *Popes* command to the destruction of his *Maiesties* Person and State. This doctrine, to wit, that it is *a point of faith*, and an vndoubted principle of Catholike Religion, that the *Pope* hath power to depose Princes, and to inflict all temporall punishments by way of coercion, and that all Catholikes are bound in conscience to forsake his *Maiestie*, and to take armes against him, I haue taken vpon me for two principall reasons to impugne, and doe not doubt clearely to maintaine the same, against the clamours of Mr. T. F. or any other whatsoever.

63 My first reason was, for that it is against the truth and puritie of the Catholike Church, *Shoe* being a pillar and ground of truth, that doubtfull opinions, and which among Catholikes are onely in controuersie, and by the *Parliament of Paris* haue been condemned as *scandalous, seditious, damnable, and pernicious*, should be enforced vpon English Catholikes, as an vndoubted doctrine of the Catholike faith, to the vtter ouerthrow of themselues, and their whole posteritie, by men who are in no danger to loose, but rather to gaine temporall aduancement by their writings. My second reason was to assure his *Maiestie*, that all English Catholikes may, if they will, according to the grounds of Catholike Religion be true and constant Subiects to his *Maiestie*, and that notwithstanding any sentence of Excommunication or depriuation denounced, or to be denounced against his *Maiestie* by the *Pope*, whereby his Subiects should be absolved from their Allegiance, or commanded not to obey him in temporall causes, they may with a safe conscience, & also in practise (marke well what I say) they are bound to adhere to his *Maiestie*, to obey him in temporall causes, as still remayning their true and lawfull Soueraigne, and to resist any such sentence of Excommunication or depriuation.

64 The reason wherefore I affirmed, that Catholikes may with a safe conscience adhere to his *Maiestie*, and resist the *Popes* sentence of depriuation, was, for that it is a *probable* opinion, and which with a safe conscience, and without danger of *heresie, error*, or *temeritie* may be embraced by Catholikes, that the *Pope* hath no authoritie to depose Princes, nor to inflict any temporall punishments by way of coercion, but that the last punishment, to which the coerciue power of the Church doth extend, are onely Ecclesiasticall and spirituall Censures. Wherefore that which my *Aduersarie* affirmeth, that I confesse, it to be
L *probable,*

probable, that the Pope hath power to depose Princes, and that the oath cannot lawfully be taken is very untrue, vnles he meane that I confesse it for Disputation sake, or, as we vsually say, *Dato, sed non concesso*; it being admitted, not granted, for that it maketh nothing for, or against the question which is in hand. Therefore positiuely I neither confesse it, nor deny it, approue it, or condemne it, nor with that part of the contradiction, whether it be probable, that the Pope hath power to depose Princes, and whether it be probable, that the Oath may not be taken, doe I at this time intermeddle, but whereas my *Aduersaries* doe so violently maintaine, that it is certaine, and an vndoubted doctrine of faith, that the Pope hath power to depose Princes, and that the oath is repugnant to faith and saluation, and therefore can not lawfully be taken, I at this present doe affirme the contrarie, to wit, that it is probable, that the Pope hath not power to depose Princes, and that the oath may lawfully be taken.

65 But the principall reason, which I brought for the securing of his *Maiestie* (which Mr. Fitzherbert fraudulently concealeth) that English Catholikes not onely may for the reason aforelaid, but also in practise are bound to adhere to his *Maiestie*, and to resist the *Popes* sentence of depriuation, was, for that supposing it to be speculatiuely vncertaine, whether the Pope hath any such power to depose a King or no, it is an vndoubted rule^k among the Lawyers, and grounded vpon the light of nature and principles of Diuinitie, that *in causa dubia sine incerta melior est conditio possidentis*, In a doubtfull or disputable case, the state of him that hath possession is the better. And againe, *Cum sunt iura partium obscura, fauendum est Reo, potius quam Actori*, when it is unknowne whether of the parties who are in suite, hath right, the defendant is to be preferred or fauoured before the plaintiffe. Seeing therefore that from the very first beginning of this contro-

^k De regulis
Iuris in 6°.

controuerſie, concerning the authoritie of *Popes*, and Soueraigntie of *Kings*, that is, from the time of *Pope Gregorie* the ſeuenth, who was the firſt *Pope*, that challenged vnto him this temporall power ouer *Kings* (call it *temporall* or *ſpiritual* as you pleaſe, for ſure it is that the effect is *temporall*) hath been vncertaine, diſputable, and euer contradicted by Catholikes both *Kings* and *Subiects*, and therefore it can not bee ſaid, that the *Pope* was euer in poſſeſſion of this authoritie (although wee ſhould grant, that power, right, or authoritie may be ſaid to bee poſſeſſed) it conſequently followeth, that what opinion ſoeuer any Catholike follow in ſpeculation, concerning the *Popes* power to depole Princes, yet in praſtiſe, vntill this Controuerſie concerning the *Popes* power to depole *Kings*, and the right of *Kings* not to be depoſed, ſhall be decided, as yet it is not, hee can not with a good conſcience endeauour to thruſt out a *King* ſo depoſed from the Kingdome or Dominions which hee lawfully poſſeſſeth.

66 Wherevpon in the end of my *Apologie* I inferred this concluſion, whereof alſo in my *Epistle Dedicatorie* to his Holineſſe I made mention: And therefore if either *Pope*, *Prince*, or any other of a ſerraine countrey ſhould attempt to thruſt an hereticall *Prince* out of the kingdome, which he poſſeſſeth, this controuerſie concerning the depoſition of Princes being vndecided, hee ſhould contrarie to the rules of iuſtice doe that *Prince* moſt manifeſt wrong. And much more a *Subiect* can not be excuſed from manifeſt treaſon, what ſoener opinion in ſpeculation he doth maintaine concerning the *Popes* temporal power, who ſhould in praſtiſe, vnder pretence perchance of deuotion to the See Apoſtolike, not duly alſo conſidering the bond of his Allegiance towards his Soueraigne, endeauour to thruſt his lawfull *Prince* out of his kingdome, which he poſſeſſeth, notwithstanding any Excommunication or ſentence of deprivation denounced againſt him by the *Pope*.

l Cap. 15. ad nu.
468. pag. 629.
& pag. 633.
ad nu. 470.

67 But because D. Schulkenius hath endeauoured to confute that reason, which I out of the aforesaid rule of the Law, *In causa dubia melior est conditio possidentis*, I brought to proue, that no man in practise can with a safe conscience obey the Popes sentence of deprivation, so long as this controuersie concerning the Popes power to depose Princes remaineth vndecided, I will briefly declare, how insufficiently he objecteth against that reason. First therefore he affirmeth¹, that this doctrine to depose Princes is not doubtfull or in controuersie among Catholikes, but it is certaine and of faith, and none but heretikes and schismatikes doe defend the contrarie, and therefore that rule *In causa dubia &c.* In a doubtfull or disputable cause the condition of the possessor is the better, can not bee applyed to the Popes power to depose Princes, But how vnttrue this is, and also how slanderous and iniurious it is to many learned Catholikes especially to the most Christian Kingdom of France, I will cleerely shew beneath, in so much that for this cause onely if there had been no other, his book was deseruedly burnt publikly at Paris.

68 Secondly, D. Schulkenius would seeme to affirme, that the aforesaid rule, *In causa dubia, &c.* In a doubtfull, or disputable cause the state of him, who hath possession is the better, is not a rule of the Law, for that saith he, I finde not in the rules of the Law, In a doubtfull, or disputable cause, but, In a like or equall case the state or condition of him, who hath possession is the better. But if D. Schulkenius will cauill about the words, and not regard the sense, I may likewise say, that hee findeth not in the rules of the Law, In an equall or like case but in an equall and like cause the state of him, who hath possession is the better. But because cause and case, like, equall, doubtfull, vncertaine, and disputable haue all one sense, for that if two causes or cases be doubtfull, vncertaine, or disputable, they are like or equall in that, therefore I regarding the sense, and not

not the words, did rather vse the words, *doubtfull*, *uncertaine* and *disputable*, then *like*, or *equall*, both for that the former words doe declare the sense of the rule more plainely, and also because Diuines in alledging that rule of the Law do commonly vse the word *doubtfull*, as it may be seene in *Dominicus Sotus*,^m *Ioannes Azor*,ⁿ *Ioannes Salas*,^o and *Gabriel Vasquez*,^p and therefore *Vasquez* citing the aforesaid rule taketh *like* and *doubtfull* for all one, *The aforesaid rule*, saith hee,^q *In dubijs, seu in pari causa &c. In dubijs, or in a like cause the state of the possessor is the better &c.*

69 Wherefore D. *Sculckenius* perceiuing, that this exception of his against the aforesaid rule is only verball, will not absolutely deny the rule, but answereth thirdly, that if there be such a rule of the Law (as without doubt in sense there is both in the *Canon*,^r and *Ciuill Law*, and in expresse words the Diuines and Lawiers doe cite it so) it doth make for the Pope, who hath bene for many hundred yeares in possession to iudge and depose *Secular Princes*, especially in a cause belonging to faith. But this answer of D. *Sculckenius* is very insufficient. For first, although we should grant, that right, power, or authoritie may bee said to be possessed, in that sense, as Possession is taken in Law, (whereas according to the Lawiers, as *Molina* the Iesuite obserueth,^s possession properly is onely of corporall things, and right, power, and such like spirituall things are onely said to bee as it were possessed, yet supposing that it is a doubtfull, vncertaine, and disputable question, whether the Pope hath power to depose Princes or no, as the Pope is said to be in possession of his right to depose Princes, so Princes may be said to bee in possession of their right not to be deposed by the Pope; and therefore in this cause is like, or equall, doubtfull or disputable, as well for Princes right not to be deposed, as for the Popes right to depose them; and on the other side Princes are not onely in possession of their

n Lib. 7. de
iustit. q. 3. ar. 2.
n Tom. 1. lib. 2.
iustit. cap. 18.
o Dis. 1. sec. 9.
de Legibus.
p Prima secundae
disp. 65. cap.
q Disp. 16. ca. 7

r De Regulis
Iuris in secundo.
s ff. De regulis
Iuris regula
170. In pari
causa &c.

t De Iustitia
tract. 2. Disp.
12.

right not to bee depofed by the *Pope*, but alfo in quiet, peaceable, and lawfull poffeffion of their Kingdomes and temporall Dominions, which onely are properly faid to be poffeffed, in refpect whereof this rule fauoureth onely *Princes*, and not the *Pope*, and therefore in this doubtfull and difputable cafe of the *Popes* power to depofe *Princes*, the ftate and condition of *Princes*, who are in lawfull poffeffion, not onely of their right not to be depofed by the *Pope*, but alfo of their Kingdomes and Dominions which they poffeffe, is, according to the aforefaid rule, to be preferred.

70. Moreouer, that the *Popes* right, power, or authoritie to depofe *Princes* may be faid to be poffeffed, (if poffeffion properly be of rights) it is neceffarie, that hee exercife that power to depofe Kings, they knowing thereof, and bearing it patiently and without contradiction, as may clearly be gathered out of *Molina*, and *Leffius*: And the reason is euident, for otherwife if any man fhould challenge a right, bee it good or bad, and fhould exercife that pretended right, the contrarie part contradicting, he may neuertheffe be faid to be in lawfull poffeffion of that right. And fo if temporall Lords fhould pretend to haue a fpirituall Iurifdiction ouer temporall and fpirituall perfons, and fhould exercife that pretended fpirituall Iurifdiction ouer them, they contradicting and excepting againft the fame, they might neuertheffe be faid to be in poffeffion of that fpirituall Iurifdiction. But Chriftian Kings from the time of *Henry* the fourth Emperour, who was the *first Emperour*, that euer was depofed by the *Pope*, vntill the time of *Henry* the fourth moft Chriftian King of France, who was the *laft King*, whom the *Pope* depofed, haue euer refifted and contradicted this authoritie of the *Pope* to depofe them. And therefore although *Popes* haue for as many hundreds of yeares, as haue beene fince the time

u Tract. 2. de
Inftit. diff. 14.
x Lib. 2. cap. 3.
dub. 11.

time of Pope Gregorie the seventh, challenged this authoritie to depose Kings, yet they cannot be said to haue been for one ycare, or one day in possession of that authoritie ouer Kings, seeing that Kings haue euer gainsaid and contradicted it. And although there should perchance haue beene some one, or other Christian King, who for some priuate, or publicke respect hath not resisted the Popes sentence of deprivation denounced against him, but rather yeelded thereunto, yet this cannot be a sufficient warrant to preiudice his Successours, or that the Pope may bee said to be in possession of his pretended authoritie to depose Kings in generall, but at the most to depose that King in particular, who did not resist or gainsay, but rather acknowledged the authoritie, which the Pope claimed to depose him.

71. Fourthly, and lastly D. Schulckenius answereth, that the aforesaid rule is to be understood, when the controuersie is betwixt two inferiour parties who are in suite, and not betwixt the Iudge, and the partie accused, or if wee will apply it to the Iudge, and the partie accused, the Iudge is to be preferred before the partie accused, but the Pope is Iudge ouer all Christian Kings and Princes, and therefore this rule, saith he, is in fauour of the Pope. But how vnfound and insufficient is also this Reply of D. Schulckenius, it is very apparant. For First, although the Pope be Iudge ouer all Christian Kings and Princes in spirituall causes and punishments, yet in temporall causes and punishments they haue no Iudge, or Superiour besides God, the supreme Iudge of all both Kings and Popes; and therefore well said our learned Countreiman Alexander of Hales, *exponnd those words, A King is to be punished by God alone, with materiall punishment: And againe, A King hath no man, who may iudge his faults to wit, to inflict corporall punishment: And againe, A king doth excell, as it is written 1. Pet. 2. it is true, in his degree, to wit, to exercise corporall punishment, with which punishment,*

y 3. p. 171. q. 40.

m. m. 5. 7. 4.

punishment, if he offend, he hath none to punish him but God alone.

72. Yea rather contrariwise the Roman Emperors were in times past Iudges in temporall causes of all the Romane Empire, and of euery member thereof both Cleargie and Laitie: but the deposition of Kings is a temporall cause and punishment, for what crime soeuer whether temporall or spirituall a King be depofed: and therefore the controuersie about deposing Kings betwixt the *Pope* challenging to himselfe that authoritie, and *Kings*, who are supreme Iudges in temporalls denying it, is not betwixt the *Iudge* and the party accused, but at the least betwixt two equalls in temporall causes, whereof the *Pope*, who first challenged this power to make Kings, no Kings is the plaintiffe, and Kings who defend their ancient right, and prerogatiue not to be depofed by the *Pope*, are the defendant: and so also that second rule of the Law, *Cum sunt iura partium obscura &c.* When it is not cleare whether of the parties, who are in suite, haue right, the defendant is to be preferred before the plaintiffe, fauoureth, *Kings*, and not the *Pope*, who only from the time of *Gregorie* the seventh claimed this authoritie to make Kings no Kings.

73. Secondly, I doe not thinke, that any Lawyer will affirme, that if a Iudge, who is onely knowne to haue authoritie in ciuill matters, as ciuill is opposed to criminall, should challenge a Iurisdiction in criminall causes, and condemne a man to death, before he shewed that hee had sufficient warrant from the Prince so to doe, the partie condemned is bound to obey that Iudge, or that the aforesaid rule, *In a like or doubtfull cause hee that hath possession is to be preferred*, should fauour the aforesaid Iudge, and not the party condemned, who is not onely in possession of his life, but also hath right to defend his life, vntill the Iudge shew sufficient warrant, or it is otherwise publicly knowne,

knowne, that he hath authoritie to take it away. Neither is it a sufficient warrant for the Iudge, that it is knowne, that he is a Iudge in ciuill matters, vnlesse it be also knowne that he is a Iudge also in criminall causes, as likewise it is not a sufficient warrant for the Pope to depriue Kings of their temporall kingdomes, that it is cleare that he is a Iudge in all spirituall matters, vnlesse also it be cleare, as yet it is not, that he is also a Iudge in temporall causes, and to inflict temporall punishments by way of coercion, as without doubt are the taking away of temporall kingdomes, for what crime soeuer they be taken away.

74. Wherefore that Dialogue, which D. *Schnuckenius* maketh betwixt the Pope, and a conuicted heretike, whose goods are without any controuersie confiscated both by the Ciuill and Canon Law, is vnaptly applyed to the deposing of Kings, which hath beene, and is at this present in controuersie among Catholikes. Besides, that this Dialogue also supposeth, that the Pope is in possession of his authoritie to depose Kings, and that Kings are not in possession of their right not to bee deposed by the Pope; and that the Pope is a Iudge of temporall Kings in temporall causes, and to punish them with temporall punishments by way of coercion: and also, that the aforesayd rule fauoureth the Iudge, and not the person conuicted before the Iudge, when the authority of the Iudge ouer the person conuicted is not sufficiently knowen, all which, as I haue shewed before, are very vntrue. And by this thou maiest perceiue, *good Reader*, how insufficient are the exceptions, which D. *Schnuckenius* bringeth against my argument grounded in the aforesaid rule of the Law, as in very deed are al the rest of his Replies against my *Apology*, as God willing ere long, (for I cannot answer fully and exactly as I intend all my *Aduersaries* at once) I will most cleerely shew.

75. Consider now (*deare Country men*) first, the vn sincere dealing of this my *Adversarie* T. F. who concealeth the chiefest part of my opinion and doctrine for the securing of his *Majesty* of the constant loyalty and allegiance, wherein all his *Catholike* Subjects are in conscience bound ynto him; that thereby he may cause his *Majesty* to be jealous of my fidelity, and to account me no good Subject, as this man slanderously affirmeth, that I am neither a good Subject, nor a good *Catholike*, or child of the Church, as I professe my selfe to be, but that I am false into flat heresie, from which I cannot any way cleere or excuse my selfe, for impugning that doctrine for the Popes power to depose Princes, which is grounded upon such assured and solid foundation, as this man (forsooth) heere hath signified but how guiltfully and vn soundly you have partly seene) and he will more particularly and manifestly declare heereafter, where also his particular frauds and falsehoods I will more particularly and manifestly lay open to his owne shame and confusion. But for all his slanderous words, I trust in God, that it will appear to all men, that *insurrexerunt in me testes iniqui, et mentis est iniquitas sibi; that false witnesses have risen up against me, and that wickednesse hath belied her selfe: and that I will euer prooue my selfe to be both a good Subject to his Majesty, and also a good Catholike, and a dutifull childe of the Catholike Church, as partly I have prooued heere already, and will more particularly and manifestly declare heereafter. In the meane time let M^r. Fitzherbert examine well his Catholike faith, and consider what a kinde of Catholike hee is, who so stiffely maintaineth vncertaine opinions for the Catholike faith, which, if it be truly Catholike, cannot be exposed to any falsehood or vncertainty, as this doctrine for the Popes power to depose Princes, which with Catholike faith hee pretendeth truly to beleue, may in very deede be false, and without all doubt*

2 Psal. 26.

doubt is vncertaine and questionable among Catho-
likes.

76. Secondly consider, how vntruely Mr. *Fitcherbert* affirmeth, that my manner of disputing this question *probably* concerning the Popes power not to depose Princes, and the lawfull taking of the Oath, doth not onely giue no security to his *Maiestie*, but is also dangerous and pernicious to his *Maiesties safety*, and how vnlearnedly hee argueth from speculation to practise. For although I should admit not onely for Disputation sake, as onely I doe, but also positively confesse, that in speculation it is *probable*, that the Pope hath power to depose Princes (whereas with that affirmatiue part of the question, to wit, whether it bee *probable* that the Pope hath power to depose Princes I do not intermeddle, but I do only handle the negative part, and doe affirme, that it is *probable* he hath no such power, which manner of disputing against such *Aduersaries*, who hold it not onely *probable*, but *certaine*, that he hath such a power, can in no sort be dangerous or pernicious to his *Maiesties safetie*, as I cleerely shewed before) neuertheless this my *Aduersarie* very vnfoundly from hence inferreth, that because in speculation it is *probable*, that the Pope hath power to depose Princes, therefore in practise it is lawfull to concurre to: he actuall deposing or thrusting them out of the possession of their Kingdomes, or for Subiects notwithstanding any sentence of deposition to beare armes against them, so long as this question concerning the Popes power to depose Princes remaineth disputable and vndecided. Wherefore my firme, resolute and constant opinion is, that the Pope hath not power to dispence or absolue any of his *Maiesties* Subiects what opinion soeuer in speculation they follow concerning the Popes power to depose Princes, from anie promissorie parts of the Oath, which onely doe belong to practise, and as for the al-

a. Cap. 6. sec. 3.

fertory parts of the Oath, which belong to speculation, they are not subiect to the Popes power of dispensing, as I shewed at large in my *Theologicall Disputation*^a.

77. Now whether this my doctrine doth not onely giue no securitie to his *Maiestie*, but is also dangerous and pernicious to his *Maiesties* safetic (as this my *Aduersarie* to procure his *Maiesties* displeasure against me falsely and vnlearnedly affirmeth) if the Pope should denounce any sentence of deprivation against him, I leaue to the iudgement of any sensible man. Neither is it vnusuall that an opinion or doctrine may in speculation bee *probable*, which yet in practise it is not lawfull to follow, as may bee seene in the ministring of corporall phyicke, and of those Sacraments which are necessarie to saluation. For although it bee *probable*, that such a medicine will cure such a dangerous disease, for that learned Physicians are of that opinion, although other learned Physicians thinke the contrarie to be true, or that such a matter or forme be sufficient to the validitie of the Sacrament, for example sake of *Baptisme*, because learned Diuines hold it to bee sufficient, although other learned Diuines bee of the contrarie opinion, and so in speculation both opinions bee *probable*, yet in practise wee are bound by the law of charitie to apply to our neighbour those remedies either spirituall or corporall, which are out of question and controuersie, and to leaue those that are questionable, if certaine and vndoubted remedies can be had: So likewise although it be *probable*, that such a house or land doth not by a lawfull title belong to him who is in lawfull possession thereof, for that learned Lawyers are of that opinion, although other learned Lawyers thinke the contrarie to bee true, and so in speculation both opinions bee *probable*, yet in practise wee are bound by the rules of Iustice not to dispossesse him by violence
of

of that howse or land, before the Iudge hath decided the controuerſie.

78 *Thirdly*, conſider the reaſon, why this my *Aduerſarie* T. F. is ſo greatly offended, that I for this preſent doe onely take in hand (by anſwering *probably* all the arguments which are obieſted on the contrarie ſide) to ſhew, that it is *probable*, that the Pope hath no authoritie to depoſe Princes; and conſequently that any man may with a ſafe and probable conſciencetake the Oath; for that the doctrine concerning the Popes power to depoſe Princes, is by this my *Aduerſaries* owne confeſſion, the maine queſtion betwixt him & me, and the chiefe ground wherefore the Oath is iudged to be vnlawfull. His reaſon therefore is, for that he ſaw right well, what great aduantage I had againſt him, and what little aduantage hee had againſt me in arguing or rather anſwering in this manner; and therefore he calleth it in heate of his zeale, as you haue heard, *The moſt deuiliſh denice that any man could invent*. And truly if I ſhould at this firſt beginning haue treated of this controuerſie in any other manner, then by handling it *probably* in that ſenſe as I haue declared, I might worthily haue been taxed of great imprudencie in giuing my *Aduerſarie* more aduantage againſt me then was needfull. For this is the ſtate of the queſtion, *whether it can bee clearly convinced by the authoritie of holy Scriptures, ancient Fathers, Generall Councells, or by neceſſarie inferences from any of them, as my Aduerſaries pretend to convince, that it is an vndoubted doctrine of faith, and the contrarie not to be maintained by any Catholike, that the Pope hath power to depoſe Princes, and conſequently that the Oath can not lawfully be taken*. This is the queſtion.

79 Marke now the aduantage I haue. For *firſt* I am not to proue, but only to anſwer, to defend, not to oppoſe. *Secondly*, it is ſufficient for me, that my

Answers be onely probable, but their Replies must not be onely probable, but also convincing, and which can not with any probabilitie be answered. So that if I should goe about at the first to proue my opinion to be most true, which my *Aduersaries* contend not to be questionable, I should, as it is euident, greatly disadvantage my selfe. For in such controversies as are so violently maintained by the *Aduersarie*, that hee will not grant the contrarie part to be questionable, it is necessarie to proceed by degrees; first, to make the thing questionable and disputable, which the aduerse part will not haue to be called in question; and after this is once agreed vpon, then to examine whether opinion be the truest. For perchance it may fall out, that as the opinion for the immaculate conception of the *Blessed Virgin*, before *Scotus* did oppose himselfe herein against *S. Thomas* and his followers, was scarce accounted probable, yet afterwards it was daily more and more embraced, so that it is now esteemed to be by farre the more true opinion, and as *Alphonfus*, *Salmeron*^b, and *Franciscus*^c *Suarez* doe affirme, agreed vpon by the consent almost of the vniuersall Church, and of all Ecclesiasticall writers, Bishops, Religious Orders, and Vniuersities: And as that opinion, which holdeth, that the Pope can not dispence in the solemne vow of Religious chastitie, neither in any lawfull marriage before it bee consummate, is accounted by very many learned men to be the truer opinion, notwithstanding the practise of many Popes to the contrarie; So it may fall out, that in proceffe of time, this opinion, which denyeth the Popes power to depose Princes, may be accounted by the greatest number of learned men to be by farre the more true opinion, and may be agreed vpon by the consent almost of the Vniuersall Church, and of all Ecclesiasticall writers, Bishops, Religious Orders, and Vniuersities, notwithstanding the practise of ma-

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b in Rom: 5.
Disp: 51. § de-
inde.
c Tom. 2. Disp:
3. sec: 5.

ny Popes, and the vehement opposition of the Iesuits at this present time to the contrarie.

80 *Fourthly* consider, how little beholding are English Catholikes to this my *Aduersarie* T.F., who will needs inforce them euen with the temporall ouerthrow of themselues, and of their whole posteritie, to defend that doctrine to be of faith, which the *State of France* accounteth *scandalous, seditious, damnable and pernicious*, and also endeauoureth to perswade his *Maiestie*, that no Catholike can, according to the grounds of Catholike Religion, be a true and loyall Subiect to his *Maiestie*, but at the Popes pleasure, or which is all one, so long onely as the Pope shall not depose him, which he may doe at his pleasure. But we haue great affiance in his *Maiesties* singular wisdom, and clement disposition, wherof we haue had both by his *Maiesties* gracious Proclamation, publike bookes, and effectuell deeds, sufficient tryall, that he will not be drawne by the false suggestion of this my *Aduersarie* (who would haue all his Catholike Subiects to be of the same violent spirit as he is) to haue all his Catholike Subiects in the same degree of ielousie, but that he will euer make a distinction betwixt them, who are his true hearted Subiects, and most loyall in all temporall affaires, and will aduenture all that they haue, and are, in defence of his *Maiesties* Royall Person and dignitie, against any sentence of deprivation whatsoeuer, which shall be denounced against him by the Pope (assuring themselves that it is conformable to the grounds of Catholike Religion which they professe, and not repugnant to that spirituall obedience wherein they stand bound to the supreme Pastour of the Catholike Church) and those other Catholikes, who thinking it to be a point of faith, that the Pope hath authoritie to dethrone Soueraigne Princes, and to make temporall Kings private men, will only defend his *Ma-*
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iestie, and yeeld him temporall obedience, vntill the Pope after his sentence of depriuation shall command them the contrarie.

81 But what small reliefe are English Catholikes to expect from Mr. Fitzherberts hands, if it were in his power to relieue them, you may (*Catholike Countrymen*) coniecture by this, that towards the end of *Queene Elizabeth* hir raigne (when those foure *Reuerend Priests* were at *Rome* to seeke redresse of *Pope Clement* the eight, to whom they and other of their brethren had appealed, for the manifold wrongs and slaunders wherewith they were charged both at home and abroad, at which time this my *Aduersarie* running from *Cardinall* to *Cardinall* to informe against them, made no scruple of conscience to disgrace and slaunder them, as *Schismatickes*, *Spies*, *Rebells*, and *disobedient persons* to the *See Apostolike* &c. as now in his publike writings he handleth me) hee and some others vpon whom he depended, fearing lest that hir *Maiestie* should shew some fauour, and giue some sort of toleration to such hir *Catholike* Subiects, whom for their constant loyalty she might securely trust (for out of hir Princely and mercifull disposition Shee had already shewed ouer great fauour to those oppressed Priests, considering the present lawes of the Realme made against them) had so little commiseration of the continuall calamities of distressed Catholikes, that he was not ashamed to aduise then his *Holineesse* in a little *Treatise*, or Pamphlet written in Italian, that it was not good, or profitable to the *Catholike* cause, that any libertie or toleration of Religion should be granted by the State to the Catholikes of England.

82 And that this is most true hee can not for shame deny, and I haue also heard diuerse vertuous Priests, and Laymen, who were then at *Rome*, protest vpon their saluation, that they did

did both see and reade the aforeſaid Italian Pamphlet, affirming withall, that it was thought then by diuerſe at Rome, that this my *Aduerſarie* T. F. was in that buſineſſe onely an agent and inſtrument for others, vpon whoſe command and becke hee wholly depended, who feared, leaſt that if her *Maeſtie* ſhould haue granted vvhich they then greatly ſuſpected, any toleration or mitigation of the Law to thoſe hir Catholike Subjects, who would giue ſufficient ſecuritie of their true, vnſained, and conſtant loyaltie, it would haue bene the ready way to haue thruſt all the *Ieſuites* quite out of England. Now vvhat deſignements this my *Aduerſarie* can haue, and what conſtruction you may make of ſuch his proceedings, and whether hee ſincerely intendeth ſo much your good, as his priuate ends, and of thoſe vpon whom hee now dependeth, and how diligently you are to examine his words, deeds, and writings, who dare aduenture with ſuch palpable fraude to delude his *Holineſſe*, his *Maeſtie*, and your ſelues, as partly you haue ſcene in this his Preface, and more fully you ſhall ſee beneath, I leaue, Catholike Countreymen, to your prudent conſiderations.

83 Laſtly, the applying of thoſe words of the *Apocalyps*, *I would thou wert either hot or cold, &c.* to mee being but a ſlanderous calumnie affirmed without prooſe, needeth no confutation. And with the ſame facilitie might *Carerius*, and the Canonists apply them to *Cardinall Bellarmine* and others of his Societie, for which cauſe hee calleth them *wicked politicians*, who are ſo *luke warme*, that they will not grant with the *Canonists*, that the *Pope* is not onely a ſpirituall, but alſo a temporall Lord of the whole Chriſtian world. True it is that I am not of ſo fierie a ſpirit, as vnder pretence of zeale

to approue Gunpowder plots, or that desperate doctrine, from whence such furious attempts doe proceede, neither vnder colour of feruent deuotion to attribute to the *Pope* an authoritie ouer the Kingdomes, bodies, and liues of temporall Princes, which is not knowne to bee granted him by *Christ*, and which is more scalding, to brand those Catholikes with *heresie* that haue not the like feruour: Neither am I so cold as to deny either to *Pope* or *Prince*, that authoritie which is knowne to be due to them, all extremities I hate, virtue consisteth in a meane, neither to take from *Cesar*, and giue it to *God*, nor to take from *God*, and giue it to *Cesar*, but to render to *God* and *Cesar*, that which is their due.

84 And this shall suffice (*Deare Countrymen*) touching those aduertisements & considerations, which *Mr. Fitzherbert* hath given you concerning my doctrine in generall, and therefore I will now passe by degrees to the examination of his *Replies* to mee in particular, and I doubt not to discover also herein so plainly his manifold frauds & fallshods, that you haue iust cause not to hazard your consciences and whole estates vpon such his fraudulent words and writings, as partly you haue already seene in this his *Preface*, how vnincerely and guilefully in euery one of his aduertisements and considerations hee hath proceeded, and more cleerely you shall see beneath in this *Treatise*, which *Treatise* to the end you may more plainly vnderstand the chiefe grounds of this controuersie touching the *Popes* power to depose Princes, which is the maine question, as my *Adversarie* confesseth, betwixt him and me and specially impugned in the new oath of allegiance, I will deuide into three principall parts.

In the *first* I will set downe those Authors, which I brought in my *Theologicall Disputation* to proue, that any Catholike might by reason of *extrinsecall* grounds,
and

and the *authoritie* of learned Catholikes *probably* perswade themselves, that the Pope hath not by *Christ* his institution any power to depose *Princes*, together with a confutation of the *Replies*, which Card. *Bellarmino* masked vnder D. *Schulkenius* his name, to whom my *Adversarie* here remitteth his *English* Reader, hath made against them.

In the *second* I will examine all the principall arguments which Card. *Bellarmino* hath brought to proue the vnion and subordination of the temporall power to the spirituall, which subordination my *Adversarie* here supposeth to be a chiefe foundation, whereon the doctrine for the Popes Power to depose *Princes* doth depend, and also the *Replies* which D. *Sculckenius* hath made to confirme the said pretended vnion and subordination.

In the *third* and last part I will discover in particular the insufficiencie of Mr. *Fitzherberts* whole *Reply*, in the same manner, order, and number of Chapters, which hee hath obserued in replying to my *Answers*.



The first part,

Wherein

THOSE AVTHORITIES AND
testimonies of learned CATHOLIKES,

*which M^r. FITZHERBERT cunningly passeth
ouer, and for answer to them remitteth his*

English Reader to D. SCHVLCKENIVS

*a Latine writer, are briefly, and
perspicuously examined.*



Efore I come to examine the
particular points of my *Ad-
versaries* Reply, and to make
manifest his immodest, in-
sufficient, and also vsincere
proceeding therein, I thinke
it not amisse, first to set
downe the testimonies of
those Catholike Authours,
which I brought in my *Theological* Disputation to
proue, that the doctrine for the Popes power to de-
pose Princes is not a *point of faith*, and the contrarie
hereticall (as M^r. *Fitzherbert* following the steps of
Card. *Bellarmino*, and some few others of his Society
would gladly enforce English Catholikes euen with
incurring their Soueraignes high displeasure, and with
the

^a In the Preface, num. 28.

the vtter ouerthrow of their temporall estates to beleeue) to the end the Reader may thereby clearly perceiue both the silly and shuffling answeres of D. *Schulckenius*, and also the insufficient and craftie dealing of Mr. *Fitzherbert*, who taking vpon him in this his *Reply* to satisfie English Catholiks, those especially that vnderstand not the Latine tongue (for otherwise he would doubtlesse haue replied in Latine, as he by me was answered in Latine) *and to make them see*, as he saith, *a cleare confutation of the grounds of my doctrine, and of my principall arguments and answeres touching the Popes power to depose Princes, which is the maine question betwixt him and me, and specially impugned and abiured in the new oath*, neuerthelesse he cleane omitteth to answer my chiefe, principall, yea and only grounds, which I brought to perswade vnlearned men, that the doctrine for the Popes power to depose Princes is not a point of faith, to wit, *extrinsecall grounds*, drawne from the testimonie of learned Catholikes, who maintaine the contrarie doctrine, by which vnlearned men are chiefly, if not only, lead, and for confutation of these grounds he remitteth his English Reader to D. *Schulckenius* a Latine writer, and wrangleth onely about *intrinsecall grounds*, the strength, or weakenesse whereof vnlearned men cannot comprehend, as though, *forsooth*, M. *Fitzherbert*, who hath taken out of Fa. *Lessius* masked vnder the name of D. *Singleton*, a whole Treatise touching the decree of the *Councell of Lateran*, and put it here in his *english Reply*, as though it were the inuention of his owne wit, would haue spared to haue borrowed also of D. *Schulckenius* the answeres, which he made to those Catholike Authors by me alledged, if he had thought that those answeres would by English Catholikes haue beene so greatly applauded.

THE



The first CHAPTER,

Wherein the authoritie of Iohn Trithemius a famous man of the Order of S. Benedict, is examined.

1.



He first authoritie, which I brought in my *Theologicall Disputation*, and also in my *Apologie*, was of Iohn Trithemius a famous Abbot of the Order of S. Bennet, and a man of singular learning and piety, who writeth, that in his time, to wit in this present age, wherein nothing hath been newly defined either by *Popes*, or *Councells* concerning the *Popes* power to depose Princes (for all the *Decrees* of *Popes* or *Councells*, which by Card. Bellarmine and others are vsually alledged to confirme the aforesaid authoritie, were long before Trithemius his time) this question touching the *Popes* power to depose the *Emperour* was in controuersie among the *Schoolemen*, and as yet not decided by the Iudge. His words are these: ^b He indeed (Henry the fourth) was the first of all the *Emperours*, who was deposed by the Pope. The *Schoolemen*, or *Scholastikes* ^c are at strife concerning this point, and as yet the controuersie is not decided by the Iudge, whether the Pope hath power to depose

^b In Chronico monast. Hirsaug. ad annum 1106.
^c Scholastici.

d Pag. 127.
ad num. 33.

depose the Emperour, or no, which question for that it belongeth not to vs let vs leaue vndiscussed.

2. To this authoritie D. Schulckenius answereth in this manner. If Trithemius by Schoolemen, or Scholastikes vnderstand those, who treat of Diuinitie scholastically, as S. Thomas, S. Bonauenture, Aegidius, Durandus, and others, he is manifestly deceined, neither is it any marvell if he be deceined, seeing that he was not skilfull in that learning. But if he call Schoolemen, Grammarians, Historiographers, Poets, he saith something. For truly this point is in controuersie among Grammarians, as Valla, Historiographers, as Sigebert, Poets, as Dantes. But although it be in controuersie among them, and in their opinions the Iudge hath not as yet decided the question, yet it is not in controuersie among learned Diuines, and Lawyers, who are not ignorant in holy Scriptures, and in the venerable Councells of the holy Church. For although among these there be a controuersie about the manner, how the Pope can do it, yet there is no question whether he hath power to doe it. And what need is there to aske aduise of Trithemius, who oftentimes hath erred in the historie, which he professeth, as Antonius Posseuine hath noted in his Apparatus, seeing that we haue the common opinion of Doctours, and decrees of Councells, which doe make the matter cleare. Thus answereth D. Schulckenius.

3. Marke now how many shifts, and shufflings be in this answer. If Trithemius, saith he, by Scholastikes, or Schoolemen vnderstand those, who treat of Diuinitie scholastically, as S. Thomas &c. he is manifestly deceined: As though forsooth only scholasticall Diuines and scholasticall Diuinitie were to be had in estimation, and positive Diuines, who do not handle those subtle Schoole-quirks, but do treat of holy Scriptures and other questions of Diuinitie after a plaine and positive manner, as they were wont to be handled by the ancient Fathers, before Peter Lombard, the Master of the sentences his time, were not to be regarded. True

it

itis, that Trithemius by the word, *Scholasticke*, doth commonly vnderstand, not onely those, who professe *Scholasticall*, or *School-Diuinity*, as it is now adaies distinguished from *positive Diuinity*, but by *Scholastikes* he vnderstood *Schoolemen* and *Students* in generall, whether they professed *Positive* or *Scholasticall* Diuinity, as it may euidently appeare by his *Treatises de Scriptoribus Ecclesiasticis*, and *de viris Illustribus*, where he hath this word, *Scholastike*, aboue an hundred times, and vseth it for a *Schooleman*, *student*, *scholler*, or *schollerlike* in generall.

4. And although Trithemius by the word, *Scholastikes* or *Schoolemen*, had vnderstood not onely *Students* in Diuinity in generall, but particularly those, that professe *Scholasticall* Diuinity, as it is distinguished from *positive*, yet that he had beene therein manifestly deceiued, as D. Schulckenius so boldly affirmeth, is manifestly vntrue. For *Iacobus Almainus*, a famous Doctour, and *Schoole-Diuine* of *Paris*, and according to *Fa. Azor* the Iesuite, a *Classicall Doctour*, who flourished in Trithemius his time, doth also affirme, as I obserued in my *Apologie*, & that very many, or most Doctours, among which some no doubt were *Schoole-Diuines*, are of opinion, that the Pope by the institution of Christ hath not power to inflict any temporall punishment, as death, banishment, priuation of goods, much lesse of Kingdomes, nay nor so much as to imprison, but that the power, which hee hath by the institution of Christ, is onely extended to *Excommunication*, or some such spirituall punishment, and that his vsing of other punishments doth proceeds meerey from the *positive Law*, and priuiledges of Princes. It belongeth, saith hee, to the nature of the *Laike power*, to haue authority to inflict (he meaneth by way of coercion and constraint) temporall punishment, as are death, exile, priuation of goods &c. but the *Ecclesiasticall power* by the institution of God can inflict no such punishment, yea cannot so much as imprison,

e Lib. 2. Instit.
cap. 14.
f In Lib. de
Dom. nat. civ.
g Eccl. in pro.
2a. concl.
g Num. 122.

for, ut plerisque Doctoribus placet, as very many or most Doctors (for so much the word, plerique, doth signifie) are of opinion, but it is extended onely to spirituall punishment, as Excommunication, and the other punishments which it useth, are from the pure positive Law. And a little before he affirmed, that the Ecclesiasticall and Lay power of Iurisdiction in the externall Court are so distinguished in respect of the punishments, which can bee inflicted by either of them, that by one onely a corporall punishment, and by the other precisely a spirituall can bee inflicted. Now what words can bee more cleere then these, to which neuerthelesse D. Schulckenius giuerh no answer, and yet my Adversary after his vsuall manner very boldly affirmeth, that D. Schulckenius hath answered particularly to euery one of the authorities, which I brought either in my Apologie, or Theologicall Disputation.

5. The like words hath Iohn Gerson, another famous Classsicall Doctour, and Schoole-Diuiue of Paris, who liued before Trubemius, & Almaines time. There are, saith Gerson, ^h who doe affirme, that this punishment of Excommunication is the last which the Ecclesiasticall power of Iurisdiction by the onely first institution of Christ can inflict; so that it is not extended to imprisonment, or that any man bee adiudged to death or corporall whipping, but when the Ecclesiasticall Iudge doth this, he doth it by the grant of Princes, as the Clergie by the donation of Princes hath receiued much authoritie of temporall Iurisdiction, which Iurisdiction or Censure is neuerthelesse called spirituall, as also the temporall goods of Ecclesiasticall persons are called spiritual, because they are dedicated & applied to he, who serueth the Church, as also the breads of proposition, the first fruits, the tithes, also the vessels of the Temple, and such like were in the olde Law called sacred or holy, so also the new Law doth obserue the same.

6. Secondly, it is no maruell, saith D. Schulckenius, that Trubemius be deceived, if by Schoole-men he understand

h Depotest.
Eccles. consider.
4.

derstand Scholasticall Divines, seeing that he himselfe was not skilfull in that science: As though, forsooth, none can know, when men of any profession be at variance touching any difficult question belonging to that Science, but those onely, that be skilfull in the same profession. Physicians may easily know, when learned Lawyers are at strife concerning a point of Law, and so both of them may easily know, when learned Divines are at contention about a Theologicall question; and writers of histories may also know, when Divines or Lawyers are at debate about any point of Divinity or Law, and may also, without passing the bounds of their profession relate the same to others. And therefore it is no maruell, that Trithemius being not onely a meere Historiographer, but also a learned positive Divine, as by his manifold workes it doth cleerely appeare, might easily perceiue, that it was at that time a controuersie among Scholasticall Divines, whether the Pope had authoritie to depose the Emperour or no. Neither is it necessarie, that the controuersie should be made known by printed books, but it sufficeth that it bee made manifest by word of mouth, and publike opposition and contradiction in Schooles, as all men, who frequent the Schooles, may by dally experience most cleerely perceiue.

7. Thirdly, but if Trithemius, saith D. Schulckenius call Schoolemen, Gramarians, Poets, Historiographers, he saith something. For truly this point is in controuersie among Gramarians as Valla, Historiographers as Sigebert, Poets as Dantes, and in their opinions the Iudge hath not as yet decided the question. Marke now the fraud and cunning of this man. For who would not by this his answer imagine, but that those three Authours were meere Gramarians, Historiographers, Poets, and not Divines? where as it is manifest, that although for Grammar, Historie, and Poetry they were singular, and inferiour to none of their times, yet they

i In verbo
Laurentius
Valla,

k In verbo
Dantes.

l In verbo
Sigebertus.

m For Sigebert liued in the yere 1111 Dantes in the yere 1321. Valla in the yere 1420. and Trithemius in the yere 1519.

they were all of them also learned Diuines, as Trithemius in his book de Ecclesiasticis Scriptoribus doth sufficiently witnesse. Laurentius Valla, saith hee, ⁱ a noble man of Rome, the Prince by farre of Grammarians of this age, a Philosopher, Rhetorician, and a most excellent Diuine &c. Dantes, saith he, ^k by Country a Florentine, a most great student in his time of all men, as well in Diuine Scriptures as Secular learning, and very learned, a Philosopher, and a Poet inferiour to none of that age. Sigebert, saith he, ^l a monke of the order of S. Benedict, a most great student from his youth in Diuine Scriptures, and very learned, and in secular learning inferiour to none of his time. And yet D. Schulckenius would cunningly perswade his Reader, that Valla was a meere Grammarian, Dantes a meere Poet, and Sigebert a meere Historiographer. Moreouer, Trithemius could not by Schoolemen only vnderstand Valla, Dantes and Sigebert; for that his words are of the present tence and time; He doth not say, It hath bene a controuersie among the Schoolemen, but it is a controuersie among the Schoolmen, & adhuc, and as yet, till now, hitherto, so this present time, the question is not decided by the Iudge. Therefore Trithemius his words are not so to bee vnderstood, as D. Schulckenius expoundeth them, that in the opinion of Valla, Dantes and Sigebert, who all liued aboue a hundred ^m yeeres before Trithemius his time, but according to his owne opinion the question is not at this present decided by the Iudge.

8 Fourthly, But what neede is there, saith D. Schulckenius, to aske aduise of Trithemius, who oftentimes hath erred in the historie, which he professeth, as Antonie Possenine hath noted in his Apparatus; But first, be it so, that Trithemius giuing credit to the relation of others, hath erred sometimes in his historie (for all those oftentimes Possenine doth in particular reduce onely to three) must therefore no credit be giuen to other his relations; especially, when other

ther Doctours of the same age doe relate the same? And doth not Card: Bellarmine himselfe confesse, as appeareth by his Recognitions, that he hath oftentimes erred in points of Diuinitie, which depend not so much vpon relation, as vpon iudgement? must therefore no credit be giuen hereafter to his iudgement in other points of Diuinitie? or will he like it well, that his own words, which he vseth here against Trithemius, be retorted backe vpon himselfe, *what neede is there to aske the aduise of Card: Bellarmine, who, as he himselfe confesseth, hath oftentimes erred in points of Diuinitie, which he professeth.*

9 Secondly, obserue good Reader, how palpably and grossely, not to say shamefully, both Possenine, and D. Schulckenius also, giuing credit to Possenine, haue themselues erred, in reprehending vnworthily Trithemius his errors. For three particular things Possenine relatethⁿ, wherein he affirmeth Trithemius to haue erred in his historie. The first is, in that Trithemius affirmeth^o Laurentius Iustinianus to haue been of the Order of the Celestines. And neuerthelesse Possenine himselfe a little after in the word Laurentius Iustinianus doth in expresse words affirme, that he was of that Order. Laurentius Iustinianus, saith Possenine, a Venetian, of the Order of the Celestines, the first Patriarch of Venice &c. The second is, in that Trithemius affirmeth one Hugo a Dominican and Cardinall to be Barchionensis, and doth not make mention whether he was of Barcelona in France or in Spaine. But although Trithemius was not so exact in distinguishing those two places, yet considering that euery error includeth a falshood, and Trithemius in the aforesaid relation affirmed no falshood or vntruth, hee can not iustly by Possenine be therefore taxed of error.

10 The third error, wherewith Possenine chargeth them, is, in that hee affirmeth Abbot Ioachim to haue bene condemned in a generall Council, where

n In verbo
Ioannes Tri-
themius.
o In verbo
Laurentius
Iustin.

p In verbo
Ioachim Ab-
bas.

as the Councell, saith Possuine, did not condemn the man, but the doctrine, which was against the Master of the Sentences. But truly I can not but greatly maruell, how Possuine could be so grossely mistaken, vnlesse he would of set purpose forge something, whereby he might disgrace Trithemius. For if he had but briefly runne ouer that place of Trithemius, which he citeth, he could not but haue seene, that Trithemius did only affirme Ioachims doctrine, and not his person to be condemned in the Councell. *Tractatus autem quem scripsit &c.* But the Treatise (saith Trithemius p in the place cited by Possuine) which Abbot Ioachim wrote against Peter Lombard Bishop of Paris, is condemned in a Generall Councell, as appeareth in the beginning of the Decretalls, Damnamus.

q In verbo
Dominicus
Guzmannus.

II Wherefore to returne backe D. Schulckenius his words, what neede had D. Schulckenius to aske aduice of Possuine touching Trithemius his errors, seeing that Possuine himselfe hath therein not onely grossely erred, but also in other his relations, as in affirming Iohn Gerson Chancelour of Paris to be of the Order of the Celestines (wherein also Card. Bellarmine in his late treatise of Ecclesiasticall writers hath erred with him) yea and sometimes which is lesse excusable, when of set purpose he pretendeth to recall and amend his former errour; as in verbo Durandus à S. Porciano, whom in his former Edition, as he saith (for I neuer saw it) he affirmed to be Bishop of Melda, as truly he was, and of the Order of S. Dominike; and now, forsooth, in his corrected Edition he will needs haue him to be Bishop of Liege, and to haue liued in the year 1035. and that Hermannus Contractus, who liued in the year 1054. maketh mention of him, and yet he will also haue him to be of the Order of Dominike. And neuerthelesse Possuine himselfe a little before affirmed, that S. Dominike dyed in the year 1221. which was two hundred fourteene yeares after

Durandus

Durandus flourished. Now let *D. Schulckenius*, or any other, who maketh so great account of *Possennine Apparatus*, either accord these two, that *Durandus* a *S. Porciano* was according to *Possennine* of the Order of *S. Dominike*, and yet that according to the same *Possennine* he liued well neere 200. yeares before *S. Dominike* did institute his Order, or else not to giue hereafter so great credit to all that *Possennine* affirmeth, seeing that he hath so grossely erred both in falsly taxing *Trithemius* of those errours, and also (which is more grosse) when purposely he endeaoured to amend his owne error.

12 Lastly, we haue, saith *D. Schulckenius*, the common opinion of Doctours, and decrees of Conncells, which doe make the matter cleare. And therefore although among learned Divines and Lawyers there be a controuersie concerning the manner how the Pope may doe it, yet there is no question whether he hath power to doe it. But first we haue the authoritie of *Trithemius*, that it is a controuersie among the Schoolemen, and as yet not decided by the Iudge, not onely in what manner the Pope may depose the Emperour, but whether he hath any power at all to depose him. Then we haue the authoritie of *Almaine* a learned Schoole-Diuiue, and a Classicall Doctour, that it is the opinion of very many Doctours, that the Ecclesiasticall power by the institution of Christ can onely inflict spirituall Censures, and not any temporall punishment, as death, exile, prination of goods, much lesse of kingdomes, nay nor so much as imprisonment. And therefore although it be the more common opinion of Doctours, that the Pope hath power to depose Princes, especially of Lawyers, who as *Pope Pius* the fift did plainly confesse to that famous Lawyer *Nauarre*, doe attribute more authoritie to the Pope then is sufficient (for that the greatest part of those Authours cited by *Card. Bellarmine*, who in expresse words affirme, that the Pope hath such a power, are Lawyers,

in Comment,
super cap. Non
liceat Papa
12. q. 2 § 3.
num. 6.

men

2 Jo 4^o. dist.
18. q. 1. ar. 1.

men also for the most part unskilfull in Divine Scriptures, and the law of God, as Dominicus Sotus affirmeth²) yet it is not the more common opinion of Doctours, that it is a cleare and certaine doctrine not to be called in question by any Catholike, that the Pope hath such a power.

13. Few only Diuines there are, & for the most part Jesuites who of late yeares haue by might and maine endeauoured without sufficient grounds to make the matter cleare, and to be an vndoubted point of faith. But vntill they bring more cleare decrees of Councils, or more pregnant proofes from holy Scriptures, then hitherto they haue brought, they will neuer make the matter cleare, but still it will remaine a controuersie among Catholikes, not only in what maner the Pope may, but whether he hath any power at all to depose the Emperour or no, as it was in Trithemius and Almaines time, since which time no cleare decree of any Councell hath been made to that purpose, for all the decrees of Councils, which by Card. Bellarmine are vrged to proue that doctrine, and haue been answered by me and others, and shall beneath be answered more at large, were long before their time. And thus much concerning the first authoritie of Trithemius, and Almaine.

Chap. 2. Wherein the authoritie of Albericus Roxiatus a famous Lawyer is briefly debated.

1. **T**He second testimonie, which I brought in my Theologicall Disputation, and also in my Apologie to proue this doctrine for the Popes power to depose Princes not to be certaine, without controuersie, or a point of faith, was of Albericus Roxiatus, a most famous Professor, as Trithemius writeth, of the Canon and

2 Jo verbo
Albericus
Roxiatus.

and Civil Law, and a man excellently learned, and according to Fa. Azor^b, a Classicall Doctour, who lived in the yeare 1340. about a hundred yeares since the Councell of Lateran, which is now so greatly vrged. For this Authour calleth in question foure of the most principall Canons or Decrees of Popes registred in the Canon Law, which do seeme most to fanour their authoritie to depose Prince, and to dispose of the temporalls, especially of the *Romane Emperour* (among which one is that famous, and so often inculcated by my *Aduersaries*, sentence of deposition denounced against *Fredericke the Emperour* by *Pope Innocent the fourth* in the presence of the *Councell of Lyons*) and he affirmeth that none of them are in his opinion agreeable to law, or right, but that they were made by Popes, against the rights, and libertie of the Empire.

2. *The Pastours of the Church*, saith he, putting their sickle into others harvest, haue made foure Decrees, or Decretalls. The one concerning the election of the Emperour, which beginneth, *Venerabilem*, and of this it is there noted by all men. An other is about the deposing of *Friderike the Emperour*, extra de sententia & re indicata cap. *Ad Apostolicam* in sexto, where also of this it is noted by all men. An other is concerning the discord betwixt *Henry the Emperour*, and *Robert King of Sicily*, and the sentence of treason published by the Emperour against him: which Decree is in *Clementina de sententia & re indicata* cap. *Pastoralis*. Another is in *Clementina prima de iurciurando*, that the Emperour is bound to sweare allegiance to the Pope, and concerning some authoritie of the Pope over the Emperour. Which Decretalls, whether they be iust or no, God he knoweth. For I without preiudice to sounder aduise do beleene (and if it should be erroneous I recall it) that none of them be agreeable to right. Yea I beleene that they are published against the rights and libertie of the Empire, and I doe thinke that by God they were instituted distinct powers, whereof I haue noted sufficiently

P

lege

b Lib. 2. Inst.
cap. 14.

c In Dictiona-
rio verbo Ele-
ctio.

lege prima Cod. de Summa Trinitate & Fide Catholica.
Thus Albericus.

3 Obserue now, good Reader, how sleightly D. Sculckenius would shift of this authoritie, which is so plaine and manifest. Albericus, saith he, speaketh *wauering* and altogether doubtfull, and he addeth, and if it should be erroneous I recall it: and he is conuincd of error by Azor lib. 10. cap. 6. q. 3. These be all the exceptions that D. Sculckenius taketh against this authority. But first this word *doubtfull* or *wauering*, as out of Vasquez I obserued in my *Theologicall Disputation*^d, may be taken two manner of waies, either when one is so *doubtfull*, that he hath no determinate assent of either part, but remaineth perplex betwixt both, iudging neither part to be either true or false, in which sense that word, *altogether doubtfull*, which D. Sculckenius vseth here, if he will not speake improperly, can only be taken; and when we are thus *doubtfull* concerning any matter, we are alwaies bound to chuse the surer part; neither is it lawfull to do any thing with a *doubtfull* conscience, taking doubtfull in this sense: Or else the word, *doubtfull*, may be taken, when wee haue a determinate assent or iudgement that one part is true or false, but yet we are not certaine, and therefore haue some *fear* of the contrarie, which *fear* doth not exclude a determinate assent and iudgement that one part is true, for euery assent, iudgement or opinion, which is only *probable*, doth alwaies imply a *fear*; but *fear* consisteth in this, that he who is *fearfull*, or iudgeth with *fear*, hath two assents or iudgements, the one *direct*, whereby he iudgeth determinately, that one part is true, the other *reflexe*, whereby he iudgeth, that although he thinketh it true, yet in very deede it may be false, for that it is not certaine, but Disputable and in controuersie among Doctours, and therefore only *probable*: and when we are thus *doubtfull* or *fearfull* concerning any matter, we are not bound to chuse the

d Cap. 10. sec. 2.
nu. 18. 19. 20.
& 81.

the surer part, but it is sufficient to chuse that which is probable, neither is it vnlawfull to doe any thing with such a doubtfull, or fearefull conscience, as in that place I declared out of *Vasquez*.

4. Now if D. *Schulckenius* by those wordes, *wauering* and *altogether doubtfull*, vnderstand, as of necessitie he must, if he will speake properly, that *Albericus* had no determinate assent, iudgement, or opinion concerning the vniustice of those *Decretalls*, this is manifestly false, and those wordes, *I doe beleene that they are not agreeable to right, and I doe beleene that they are published against the rights and libertie of the Empire &c.* doe clearly conuince D. *Schulckenius* of apparant vntruth. But if D. *Schulckenius* by those wordes *wauering* and *altogether doubtfull*, doe onely meane, that *Albericus* was indeed of opinion, that those *Decretalls* were vniust, yet he did not hold his opinion for certaine, and without all controuersie, and therefore was not obstinate in his owne opinion, but was readie to recall it, if it should proue to be erroneous, and that hee would not condemne other men, that should thinke the contrarie, (as now adayes it is too frequent to condemne other men) this is very true; for so much only doe import those his wordes, *and I doe beleene vnder correction, or without preiudice to sounder aduise, and if it should be erroneous I recall it;* this neuertheless doth not hinder, but that we haue the opinion of a man excellently learned, and of a *Classicall Doctour*, that the sentence of deposition denounced against *Frederike the Emperour* by *Pope Innocent* the fourth in the presence of the *Councell of Lyons*, and three other famous *Decrees of Popes* registred in the *Canon Law* touching the *Popes* power to dispose of temporalls, were vniust, and made against the rights and libertie of the Empire.

5. Secondly, but *Albericus* is conuincd, saith D. *Schulckenius*, of error by *Azor*. But besides that this

letteth not, but that *Albericus* is of opinion, that the Pope hath no power to depose Princes, this also is euen as true, as that which D. *Schulckenius* said before concerning the errors, which he said *Possennus* had obserued in *Trithemius* his historie. For besides that all the arguments, which *Azor* bringeth to proue in generall, the Popes authoritie ouer the Emperour in temporalls, are but triuiall, and haue been already answered partly by D. *Barclay*, partly by my selfe, and now of late very exactly by M^r. *John Barclay*, to whom as yet no answer hath beene made, one only argument in particular *Azor* vrgeth against *Albericus*, which is this, that the *Romane Emperour* was instituted by the authoritie of the Church, by whose grant also the *Romane Empire* was translated from the *Grecians* to the *Germanes* or *Frenchmen*, and that he is created as a Patron, defender, Protector, and Tutor of the Church, from whence he inferreth, that the Pope did not put his sickle into another mans harvest, but did vse his owne right, when hee made that Canon concerning the election of the Emperour, and when he exacteth an oath of the Emperour.

c Num 404.
& seq.

6. But that this is no conuincing prooffe, I shewed clearly in my *Apologie*. For the *Romane Empire* was not instituted by the authoritie of the *Romane Church*, seeing that he was instituted before there was any *Romane Church* at all, and continued for a long time together the *Soueraigne Lord* in temporalls of the *Romane Church*. Neither was the *Romane Empire* translated from the *Grecians* to the *Germanes* or *Frenchmen* by the grant of the *Romane Church*, if by the *Romane Church* be meant onely the *Cleargie of Rome*, but it was translated by the grant, suffrages, and authoritie also of the *Laitie*, who in the west parts were subiect to the *Romane Empire*. True also it is, that all *Catholike Princes* ought to be Patrons, defenders, and protectours of the *Romane Church* (but the *Romane Emperour* more specially) they being children and

and members of the Catholike Romane Church, and every member is bound to defend each other, but especially to defend the head. And therefore I will easily grant, that the Pope may exact, if need require, not only of the Romane Emperour, but also of all other Catholike Princes an oath of spirituall allegiance, but that Catholike Princes are subiect to the Pope in temporalls, and that the Pope may exact of them an oath of temporall allegiance, this is that I utterly deny, neither will Card. *Bellarmino*, or any other be able by any sufficient argument to convince the contrary; wherefore it cannot with any shew of probabilitie be denied, but that we have the testimonie of *Albericus*, a man excellently learned, and a Classicall Doctour, that the Pope hath no authoritie to depose Soueraine Princes, and to dispose of their temporall dominions.

Chap. 3. *Wherein the authoritie of Ioannes Parisiensis, a famous Doctour of Paris, is examined, and the exceptions of D. Schulckenius against it are proved to be insufficient.*

I. **T**He third authoritie, which I brought in my *Theologicall Disputation*^a and also in my *Apologie*^b, was of *Ioannes Parisiensis*, a famous Diuine of the Order of S. Dominike, and as *Trithemius* relateth^c, most learned in the holy Scriptures, and who in the Vniuersitie of Paris was for a long time together a publike Professor, and left behind him many Disciples. He flourished about the yeare 1280. which was 65. yeares after the great Councell of Lateran, which is now adays so greatly vrged by our *Aduersaries*. This Doctour therefore although he be of opinion, that if a King should become an heretike, and incorrigible, and a contemner of Ecclesiasticall Censures, the Pope may do somewhat with the people,

a Cap. 3. sec. 3. num. 7.

b Num. 121.

c In verbo *Ioannes Parisiensis*.

d Almainus
de potest. Eccl.
q. 2. cap. 8.

e De potest.
Regia & Pa-
pali cap. 14.
ad 20.

f Pag. 64. 65.
66. ad unum: 4.

ple, whereby the King may be deprived of his Secular dignitie, and be deposed by the people, to wit, he may excommunicate all those, to whom it belongeth to depose the king, who should obey him as their Soueraigne: Neuertheleſſe he is cleerely of this opinion, that it belongeth not to the Pope, to depose in iudicially Kings or Emperours for any crime whatsoever although it be spirituall, or which is all one to depriue them^d of their kingdomes by a definitive sentence, in such sort, that after the sentence be published they shall have no more regall power and authoritie. For he affirmeth, ^e that excommunication, or such like spirituall punishment is the last, which may be inflicted by a spirituall Iudge. For although, saith he, it belong to an Ecclesiasticall Iudge to recall men to God, and to withdraw them from sinne, yet he hath not power to doe this, but by using those meanes, which be given him by God, which is by excluding them from the Sacraments, and participation of the faithfull. Wherefore although *Parisiensis* be of opinion, that the temporall common-wealth hath in some causes of great moment authoritie to depose their Prince (with which question I doe not intend at this time to intermeddle) yet concerning the principall controuersie, which is betwixt me and *Card. Bellarmine*, to wit, whether it be hereticall erroneous, or temerarious to affirme, that the Pope hath no power to depriue Princes of their Royall right and authoritie, *Ioannes Parisiensis* doth most plainely, as I haue now shewed, contradict the opinion of *Card. Bellarmine*. Thus I wrote in my Theologicall Disputation.

2 Marke now, good Reader, with what fraude and fallshood *D. Schulckenius* endeauoureth to passe over this authoritie. *Ioannes Parisiensis*, saith he^f, is not for the contrarie opinion. For although he giueth lesse to the Pope, then he ought, yet he giueth as much as sufficeth for our purpose. For what doth it appertaine to the question which is in hand, whether the Pope doe depose immediately

mediately by his sentence, or that he may by his right withdraw his subiects from their obedience and cause them to depose? But who would not admire the wonderfull boldnes of this man? For the onely question betwixt me and Card. Bellarmine is, and euer hath been, whether the Pope hath authoritie to depriue Princes of their Kingdomes immediately by his sentence, in such sort, that after his sentence of deprivation be denounced, they, who before were Kings and had true Regall authoritie, are then no more Kings, and haue no true and lawfull right to reigne; and yet now he being pressed with the authoritie of Ioannes Parisiensis, bluseth not to affirme, that it doth not appertaine to the present question, whether the Pope may depose immediately by his sentence, which neuerthelesse is the onely question betwixt him and me, or by commanding and causing the temporall Common-wealth to depose their Prince, with which question I haue sundry times in my Apologie affirmed that I would not intermeddle. For most certaine it is, euen according to Card. Bellarmines owne doctrine, that the Pope can not withdraw, discharge, or absolue subiects from their obedience immediately by his sentence, vnles he haue authoritie to depriue immediately & by his sentence their Prince of his Princely power and authoritie, for that authoritie in a Prince, and obedience in subiects are correlatiues, and one dependeth on the other, and the obligation of obedience doth so long endure in the Subiect, as the dignitie, power, or Iurisdiction doth endure in the Superiour, saith Suarez^h, and to deny obedience to a Prince so long as he remaineth Prince, and is not depriued of his Princely power, is clearely repugnant, saith Card. Bellarmineⁱ, to the law of God, and nature.

3 This therfore is the opinion of Parisiensis touching the Popes authoritie to dispose of the temporall goods, or dominions either of Kings, or priuate men. And first concerning the goods of priuate men hee

g in Tract:
contra Barcl.
cap. 21. pag. 202

h in Defensione
fidei & c. lib. 6.
cap. 3. nu. 6.
i in Tract:
contra Barcl.
cap. 21. p. 202.

k De potest.
Regia & Pap.
cap: 6.7.

affirmeth^k, that the Pope is not a Lord, to whom the propertie of Church linings doth belong, but onely a dispencer of them, but of the goods of Laymen he is not so much as a dispencer, unless perchance in extreame necessitie of the Church, in which necessitie also he is not a dispencer, but a declarer of the law. And because in extreame necessitie of faith and manners, all the goods of the faithfull, yea and Chalice of Churches are to be communicated, the Pope, who is supreme not onely of the Cleargie, but of all the faithfull, as they are faithfull, hath authoritie, as he is generall informer of faith and manners, in case of extreame necessitie of faith and manners to dispencc in this case the goods of the faithfull, & to ordaine them to be exposed, as it is expedient for the comon necessitie of faith, which otherwise would be overthrown by the invasion of Pagās, or other such like accident. And this ordination of the Pope is onely a declaration of the law, to which he may by Ecclesiasticall Censures compell the faithfull. But in cases not of necessitie, but of some speciall vilitie, or when it is not apparant, that the goods of Lay-men doe helpe such vilitie, or necessitie, the Pope hath not authoritie to compell any man, but concerning this hee may giue indulgences for giuing aide to the faithfull, and no other thing is granted him in my opinion. Thus writeth *Parisensis*. wherefore in his opinion the Pope hath no authoritie to depriue a Lay-man of his goods, or any part thereof, euen in necessitie of faith and manners, but onely to declare, that he is bound by the law of God to giue such part of his goods, as the necessitie of the Church shall require; which if he neglect to doe, the Pope hath no other authoritie to compell him therevnto, then by Ecclesiasticall Censures, which are the last punishments, which the Ecclesiasticall power by the institution of Christ can inflict.

4 In the very like manner *Parisensis* discourseth of the disposing of Kingdomes, and of deposing temporall Princes, as I before related out of him.

For

For first he affirmeth, that the Pope hath no authoritie to depose a King iuridically, or, which is all one, to deprive him by a iuridicall sentence of his right to reigne; and secondly, that the people, or temporall common-wealth may, and in some exorbitant cases are bound to depose their Prince; and so the Pope not by a iuridicall sentence of deprivation, but by declaring what the people are by the law of God bound to doe, and by Ecclesiasticall Censures compelling them therevnto, may according to *Parisiensis*, concur to the deposing of a Prince by meanes of the people, which if the people, notwithstanding the Popes Censures neglect to doe, the Pope hath no further power to depose him, for that Ecclesiasticall Censures are, according to him, the last punishment, which the Ecclesiasticall power can inflict.

5 Wherefore two things are affirmed by *Parisiensis*, the one, that the Pope hath no authoritie to deprive Princes immediately by his sentence of their Princely power, and this is that only, which is in controuersie betwixt mee and Card: Bellarmine: the other, that the people, or temporall common-wealth haue that authoritie in some exorbitant cases: and this is only a philosophicall question, and wherewith I would neuer intermeddle, as being impertinent to the question concerning the Popes authoritie to deprive him. And although many Catholike Doctors doe agree with *Parisiensis* in this point, yet many other learned Catholikes, whom I cited in my *Apologie*¹, doe dissent from him herein, to which opinion doe incline very many of the ancient Fathers, who expounding those words of the King and Prophet,^m *I haue sinned to thee alone*, doe affirme, that *Soueraigne Princes, for that they are inferiour to God alone, to wit, in temporalls, can be punished with temporall punishments by God alone.* And therefore D. Schulckenius may be greatly ashamed to affirme so boldly, that

1 Num. 411.

m Psal: 50.

Parisiensis doth not make for my opinion, and that it doth not appertaine to the question which is in hand, whether the Pope may depose Princes immediately by his sentence, or by meanes of the people, seeing that the onely question betwixt vs is, whether the Pope hath power to depriue Princes of their Royall power immediately by his sentence, and not what authoritie the common-wealth hath to depriue them.

6 But D. Schulckenius perceiuing, that this his answer to the authoritie of *Parisiensis* was but a meere shift and euasion, hath reserued but not in this place another answer, whereby he imagined to cleane overthrow the authority of this famous Doctour and Schoole-Diuiue. For hee beneath^a replying to the answer, which I made to those words of S. Bernard vrged by Card. Bellarmine to prooue the Popes power to depose Princes, *Quid tu denno usurpare gladium sentas* &c. wherof beneath^a I will treat more at large, in confirmation of which my answer I cited the authoritie of *Ioannes Parisiensis*, D. Schulckenius writeth thus: *There is no great regard to bee had of the authoritie of Ioannes Parisiensis whatsoever he saith, for that other his errors are condemned by the Church in the common Extrauagant *Vas electionis*: and also in the 14. chapter of the same Treatise hee minglenth many errors.* The like answer, but more biting maketh Fa: Lessius in his *Singleton*. It is to little purpose, saith he, what *Ioannes Parisiensis* doth say, because he alledgeith very many other false citations and histories, as being a Schismaticke. Another censure but more temperate Card. Bellarmine giueth of him in his booke of *Ecclesiasticall writers*. *Ioannes Parisiensis*, saith he, 9 of the Order of the Preachers, was famous about the yeere 1296. Hee wrote vpon the foure bookes of the sentences, and diuerse *Quodlibets*: but especially of Kingly and Papall power, and because it was his happe to liue in troublesome times by reason of the discord

n Pag. 394.
ad num. 201.

o Part. 2. ca. 9.

p Pag. 29.

q Pag. 380.

discord betwene Pope Boniface the eight, and Philip the faire, King of France, and hee lived and taught at Paris, hee seemeth to be more inclined towards the King, then the Pope.

But truely it is strange, that men of such singular learning, and religious profession should so rashly and without sufficient grounds be so transported, as, contrarie to the rules of Christian Charitie and Iustice, to defame and slander learned and vertuous men, and those especially, who beeing dead cannot defend themselves. For first it is an apparant and too too manifest slander, which Fa: Lessius, speaking with all dutifull respect to his reuerence, doth affirme that Ioannes Parisiensis was a Schismaticke; neither can he out of any approoued Authour, or by any probable reason prooue any such thing: and therefore what great account hee hath to make at the dreadfull day of iudgement, for vniustly taking away, as much as lieth in him, the good name of so famous a man, and in so fowle and hainous a crime as Schisme is, I remit to the examination of his owne conscience. Besides, that Parisiensis minglet many errors in the 14. chapter of his Kingly and Papall power, as D. Schulckenius affirmeth, and that he alledgeth many false citations and histories, as Fa: Lessius saith, is also vntrue, and it had beene fitting for them to haue alledged some one of them, that thereby some credit might haue beene given them for the rest. Vnlesse whatsoever is not agreeable to D. Schulckenius his doctrine, which he thinketh to be certaine must bee accounted an error, and whatsoever Fa. Lessius hath not seene, or read must be esteemed a false citation or historie. True it is, that Parisiensis in that 14. chapter doth teach, that the Pope cannot indge of temporall causes, but in regard of the sinne, and that hee cannot depose Princes by his sentence, and that the last punishment, which an Ecclesiasticall Indge can inflict, are spirituall and Ecclesiasticall Censures

r Pag. 30.

f In my Latin
Appendix 2.
gainst F3:
Suarez part. 1.
sec. 7. num. 14.

t Depress.
Regia & Pa-
pali c. 21. ad 41.

ures which indeede are no errours, whatsoeuer these seuerer Censours say to the contrary. True also it is, that *Parisiensis* citeth a place out of *Hostiensis*, at which *Fa. Lessius* doth indiscreetly carp, affirming, that he findeth no such thing in *Hostiensis*, yea & that *Hostiensis* hath not written vpon the chapter *Ad Abolendam* tit. de *Hæreticis*, as *Widdrington* iudgeth, as neither vpon other texts. But neuerthelesse I found in *Ostiensis* vpon the chapter *Ad abolendam* that which *Ioannes Parisiensis* cited out of him; and to say that *Hostiensis* did not write vpon that chapter *Ad abolendam*, is so manifest an vntruth as I obserued in another place^f, that I wonder how *F. Lessius*, who is reputed to be a man of so great reading, could be ignorant thereof.

6 Moreouer, that *Parisiensis* seemeth to bee more inclined to the King then to the Pope, he then lining and teaching at Paris, is indeede affirmed, but not prooued by *Card. Bellarmine*. And if this manner of censuring learned men and excepting against their authority, as men partiall, may be approoued, it is the ready way to ouerthrow the testimony almost of all the Authours on both sides. For it may in the same manner be answered, that as such Authours wrote partially in fauour of Kings, so others wrote partially in fauour of Popes; And therefore *Parisiensis* himselfe foreseeing this obiection replieth thus: For to say, laith he, that so worthe men, among whom some also were Popes, did write against their conscience in fauour of Princes, or for feare of them, is to stretch forth his mouth against heauen. For contrariwise it might be sayd more probably, that those Doctours, who doe so vnmeasurably aduance the Popes authority, doe speake for feare or fauour of him, seeing that they are Ecclesiasticall persons, who may by him get greater preferment. And especially sith that they say (although not well) that the Pope doth graciously embrace them, who do amplifie his authority, & depresseth them, who doe say the contrarie.

7. Further

7 Furthermore, neither can D. Schulckenius in my opinion sufficientlie prooue, that *Ioannes de Poliac*, whose errors were condemned by Pope Iohn the 22. in that Extrauagant *Vas electionis*, was this *Ioannes Parisiensis*, who made the *Treatise of Kingly and Papall power*, but some other Doctour of Paris, who was called by that name, and liued about that time. And my coniectures are these. First, for that the errors, which *Ioannes de Poliac* maintained concerning confessions made to the mendicant Friars, were against the priuiledges which were granted to the mendicant Friars, and therefore it is not like that he who wrote the *Treatise of Kingly and Papall power*, and was himselfe of the order of the preaching Friars, would preach and teach against the priuiledges granted to his Order. Secondly, if this *Ioannes de Poliac* had been of the Order of the preaching Friars, as all Authours affirme that *Ioannes Parisiensis*, who wrote the *Treatise of Kingly and Papall power*, was, it is very like, that Pope Iohn the 22. who condemned his errors, would haue named him so to be in his Extrauagant as he did, in his other Extrauagant name of what Order those Authours were, whose errors he condemned, as *Michael of Cesena*, *William Occam*, *Henricus of Cerna*, and others: who neuertheless are in some sort excused from error by D. Sanders.

8. Thirdly, there is no Authour that I haue read, who saith, that *Ioannes de Poliac*, whose errors were condemned, was of the Order of the preaching Fryars, neither doth *Fractolus*, who vsually setteth down, of what Order those Authours whom he relateth, are, affirme, that this *Ioannes de Poliac* was of that Order, whereas most Authours, who speake of *Ioannes Parisiensis*, that wrote the *Treatise of Kingly and Papall power*, doe affirme, that hee was a Dominican Fryar. Fourthly, neither is, there any Authour that I haue read, who doth affirme, that *Ioannes Parisiensis*, who

u De visib. monarch. lib. 7. num. 161.

who made the Treatise of *Kingly and Papall power*, was called *Ioannes de Poliaco*. Lastly *Ioannes Parisiensis* was famous in the yeare 1280. according to *Trithemius*, and *Kisengrenius*, and according to Card. *Bellarmino* in the yeare 1296, both which may very well be true, for that it may very well fall out, that the same man may be a famous Teacher and Preacher for sixteene yeares together, but it is very vnlike, that one man should for one and fortie yeares together at the least be a famous Reader and Preacher, which wee must grant to be true, if *Ioannes de Poliaco*, whose errors were condemned, and he in person recalled them before the Pope and Cardinalls in publike Consistorie at *Aninion* in the yeare 1321. and was commanded to teach and preach in the Schooles, and pulpit the contrarie doctrine, was our *Ioannes Parisiensis*, who wrote the Treatise of *Kingly and papall power*, and was famous in the yeare 1280.

9. But to conclude this point, be it so, that our *Ioannes Parisiensis*, and *Ioannes de Poliaco* were one and the selfe same man, which yet, as I haue shewed, hath no great likelihood, neuerthelesse the maintaining of those errors doth little repaire the authoritie of *Ioannes Parisiensis* in this point, but rather from hence a forcible argument may bee drawne to proue, that it is no erroneous doctrine, to hould, that the Pope hath no authoritie to depose Princes by his sentence. For besides that it was no great blemish either to the learning or vertue of *Ioannes de Poliaco*, to hold that doctrine concerning confessions, which was condemned in that *Extraneus*, seeing that both many other learned men at that time as *Henricus de Gandavo* a famous Doctour of Paris, *Durandus* a *S. Portiano* a great Schoole-Diaine, yea and the whole *Vniuersitie* of Paris, as witnesseth *Ioannes Major* a famous Doctour of the same Vniuersitie, did maintaine the same; and also that he was readie at the first condemnation thereof

2 quodl. 2. q.
16. & quodl.
10. q. 1.
7. in 4. dist. 17.
q. 2.
2 in 4. dist. 17.
q. 6.

thereof to recall it, and to preach the contrary, if at that time the Pope and Cardinalls had also beene perswaded, that it was an erroneous doctrine to affirme, that the Pope hath no power to depose Princes by his sentence, and that it belongeth to the Pope to recall men to God, and to withdraw them from sinne by no other coercive meanes, then by excluding them from the Sacraments and participation of the faithfull, and that Excommunication, or such like spirituall punishment is the last, which may be inflicted by the spirituall Iudge, all which *Ioannes Parisiensis* in his treatise of Kingly and papall power did publicly maintaine, without doubt the Pope, if hee had thought this doctrine to be erroneous, would also have compelled him to recall it, it being so greatly prejudiciall to his owne Pontificall authoritie. And therefore notwithstanding all the exceptions, which *Card. Bellarmine* and *Fa. Lessius* do take against *Ioannes Parisiensis*, we have the testimonie of this learned Catholike, and famous *Schole-Divine*, that the Pope hath no authority to depose Princes by his sentence, which is the only question at this time betwene me, and *Card. Bellarmine*.

Chap. 4. *Wherein the authoritie of M. Doctour Barclay a famous and learned Catholike is briefly examined.*

1. **T**He fourth testimony, which I broght both in my *Theologicall Disputation*, and also in my *Apologetic*, was of Mr. Doctour Barclay a most learned man, and yet no more learned then religious, (howsoever some falsly and vnchristianly do slander him) in his booke *de Regno* printed at *Paris* in the yeare 1600. with priueledge of the most Christian King of France, where he affirmeth, that Kings, who doe omit, or are negligent, to keepe Gods commandements, so worship him religiously,

cap. 3. sec. 3.
num. 28.

cap. 3. sec. 3.
num. 28.

giously, and to use all care and diligence, that their subjects do not revolt from true Religion, and fall into Idolatry, Iudaisme, or heresie, are to be indged by God alone, because only to God they are subiect, speaking of temporall iudgement and subiection, although the Pope, being the supreme Prince, and vniuersall Pastour of the Church, hath power to condemn with spirituall indgement all kings and Princes, offending against Gods law, as they are Christians, and children of the Church, and to deliuer them to inuisible tormentours to be punished with the rod of the inuisible spirit, and with the two edged sword of Excommunication.

2. But Card. Bellarmine in his booke against D. Barclay^c little regardeth his authority; and now in his *Schulckenius* he affirmeth, that Catholikes will make no more account of Barclay, then they do of Marsilius de Padua, and of my selfe (an easie answer to shute off the authoritie of any learned Catholike) And againe, who doth not maruaile, saith D. Schulckenius, that seeing Card. Bellarmine hath in this point clearly and soundly after his accustomed manner confuted Barclay, Widdrington durst not only adventure to write against him without sufficient ground, but also to oppose the said Barclay, as a testimonie of truth against Card. Bellarmine.

3. But notwithstanding this glorious brag of D. Schulckenius so highly commending himselfe, and his cleare and sound confuting of Barclay after his accustomed manner, it cannot be denied, but that Doctour Barclay was a very learned man, and liued and died like a vertuous Catholike, and that hee was in times past, as Possenine also relateth, a Counseller to the Duke of Lorraine, and Master of Requests, and in the vniuersity of Mussepont a Professour of the Canon and Ciuill Law, and also Deane, and that his booke was printed at Paris with a speciall priueledge of the most Christian King of France, and is by Possenine related among other approoued bookes, and no exception taken by him against it. And therefore who doth not maruell, that

D. Schulckenius

c Per totum.
d Pag. 110.
ad num. 28.

e In verbo
Guilielmi Bar-
claius.

D. *Schulckenius* durst adventure so bouldly to affirme, that Catholikes will make no more account of D. Barclay, a famous and learned Catholike, then of *Marsilius of Padua*, a known and condemned heretike, although not for this point touching the Popes power to depose Princes, but for other his assertions which I related in my Appendix against Fa. *Suarez*. Wherefore although perchance some Catholikes doe with Card. *Bellarmino* make small account of Doctour *Barclaies* authoritie, as also they would make of the authoritie of any other Catholike, were he never so vertuous or learned, that should write against them in this point, neuerthelesse other Catholikes doe greatly regard his authoritie for the aforesaid cause, and they are also perswaded, that they haue as probable reasons to thinke, that he did not write partially in fauour of Princes or any other person, as that Card. *Bellarmino* did not write partially in fauour of the Pope, and some other of his followers in fauour of him, and their Order.

4 Neither hath D. *Schulckenius* in very truth any great cause so greatly to vaunt of his cleare and sound confuting of D. Barclay, for that both his sonne Mr. *John Barclay* a learned Catholike hath most clearly shewed the said confutation to be very vnfound, to whom as yet no Reply hath been made, and yet his booke was printed at *Paris* by the Kings Printer three yeeres since; and also the Bishop of *Rochester*, a learned Protestant, hath out of Catholike grounds convinced D. *Schulckenius* his brag, of the cleare and sound confuting of D. Barclay, to be but vaine. wherefore let Card. *Bellarmino* first make a cleare and sound Reply to the aforesaid Answers, and then he may haue some cause to boast, that he hath clearely and soundly confuted D. Barclay. In the meane time it can not be denyed, but that notwithstanding all the clamours of our Adversaries, this doctrine, which doth now so

f Part. 1. cap. 2.
num: 2.

vehemently maintaine the Popes power to depose Princes is, and hath ever been impugned by verrous and learned Catholikes.

Chap. 5. *Wherein the authorities of Mr. George Blackwell, and of many other English Priests are at large debated.*

1. **T**He first testimonie, which I brought in my *Theologicall Disputation*, (to which *D. Schultzeius* doth not answer) was of Mr. George Blackwell a verrous and learned Catholike Priest, and once the Archipræsbyter of the English Seminarie Priests, who maintayned euen vntill death (for not halfe a quarter of an howre before hee dyed he confirmed the same) the oath to be lawfull, and that the Pope hath not power to depose Princes. to which also (besides Mr. William Warmingston in his moderate defence of the Oath, Mr. Iohn Barclay in his booke against Card: Bellarmine in defence of his Father, printed at Paris by the Kings Printer, and Mr. William Barret in his booke *de Iure Regio*, and many other learned Catholikes of this Kingdome both Priests and Lay-men, whose names for iust causes I forbare to set downe, for that they had not shewed themselves by publike writings) I added the testimonte of those *thirtene* Reverend and learned English Priests (with whom twice thirtie others would haue ioyned, if their protestation had not been made so suddenly) who, to give assurance of their loyalty to the late *Queene Elizabeth*, did by a publike instrument, written in parchment, profess, and made it knowne to all the Christian world, that *Shée*, being at that time excommunicated by name, and deprived by the sentence of Pope Pius the fifth, of hir Regall power and authoritie) had neuertheles as full authoritie, power, and Soueraignie over them, and

a Cap. 3. sec. 3.
num. 9.

and over all the Subjects of the Realme, as any hir Highnesse Predecessours ever had. And that notwithstanding any authoritie, or any Excommunication whatsoever, either denounced, or to be denounced by the Pope against hir Maiestie, or any borne within hir Maiesties Dominions, which would not forsake the defence of Hir, and Hir Dominions, they thought themselves not onely bound in conscience not to obey this, or any such like Censure, but also did promise to yeeld vnto hir Maiestie all obedience in temporalls.

2 Now it is eident, that this their protestation, which I did at large set downe in my Appendix to Suarez^b, can no way be iustified, but vpon supposall, that the Pope had no authoritie to depose the *Queene*. For if hee had authoritie to depose Hir, Shee being then by the Popes sentence deprived of all hir Regall authoritie, power, and Soueraigntie, could not haue, as they professed, as full authoritie, power, and Soueraigntie over the, and all the Subjects of the Realme, as any of hir Predecessours ever had before. Neither also could they (although Shee had not been then deposed) lawfully promise, as out of Suarez I will convince beneath^c, that notwithstanding any authoritie, or any Excommunication whatsoever, either denounced, or to be denounced against hir Maiestie, or any borne within hir Maiesties Dominions, they would neuerthelesse yeeld vnto hir Maiestie all obedience in temporalls, thinking themselves bound in conscience not to obey this, or any such like Censure, vnlesse they did suppose, that the Pope had no power to depose hir Maiestie, or to absolve hir Subjects from their obedience.

3 And if perchance any of those Priests should now be of opinion, that the Pope hath power to depose Princes, and to excuse his former protestation, should answer, that hee onely intended to acknowledge hir Maiestie to be at that time *Queene*, and to reigne *de facto*, but not *de iure* (besides that he should

b Part. 2. sec. 1.

c Num: 7. 8.

shew himselfe to be an egregious dissembler, equivo-
catour, and deluder both of hir *Maiestie*, and also of
his *Holinesse*, and should therefore deserue to be great-
ly punished, both for deluding the State in a matter
of so great weight, and also for bringing Catholike
Religion in obloquie among Protestants by such de-
testable dissimulation, not to call it flat lying and co-
soning, which ought to be abhorred of all men, but
especially Catholike Priests, who both by their words
and deeds ought to be a patterne to others of Chri-
stian sinceritie) this Answer can not stand with the
words which he protested.

4 For first marke the *Preamble* to their Protesta-
tion, which clearely confuteth the aforesaid answer.
Whereas (say they) *is bath pleased our dread Soueraigne*
Lady to take some notice of the faith and Loyaltie of vs,
her naturall borne Subiects Secular Priests (as it appea-
reth in the late Proclamation) *and of her Prince-like clemencie,*
bath given a sufficient earnest of some mercifull
fauour toward vs (being all subiect by the lawes of the
Realme to death by our returne into the Countrey after our
taking the Order of Priesthood since the first yeere of hir
Maiesties reigne) *and onely demandeth of vs a true pro-*
fession of our Allegiance, thereby to be assured of our fide-
lity to hir Maiesties Person, Crowne, Estate, and dignitie,
Wee, whose names are underwritten, in most humble wise
prostrate at hir Maiesties feete, doe acknowledge our
selues infinitely bound vnto hir Maiestie therefore, and are
most willing to giue such assurance, and satisfaction in this
point, as any Catholike Priests can, or ought to giue vnto
their Soueraignes. First therefore we acknowledge the
Queenes Maiestie to haue as full authoritie, power, and
Soueraigntie ouer vs, and ouer all the Subiects of the
Realme, as any hir Highnesse Predecessors euer had; and
further we protest &c.

5 Now were it not an intollerable deluding and
mockerie, for any of those Priests (this *Preamble* con-
sidered)

sidered) to affirme, that by the aforesaid words, hee did onely intend to acknowledge her *Maiesty* to bee *Queene*, and to raigne *de facto*, but not *de iure*? was this the notice, that her *Maiesty* tooke of the faith of Secular Priests, rather then of Iesuities? and did her *Maiesty* by those words (*an onely demandeth of vs a true profession of our Allegiance, thereby to bee assured of our fidelitie to her Maiesties person, Crowne, Estate and Dignitie*) demand of them, that they should acknowledge her to be *Queene* onely *de facto*, but not *de iure*? And can Catholike Priests of other Countries giue to their Soueraignes no other assurance of their loyalty, then onely to acknowledge them to bee their *Kings*, and to raigne over them *de facto*, but not *de iure*, as these Priests did acknowledge themselves to bee most willing to giue such assurance and satisfaction in this point vnto her *Maiesty*, as any Catholike Priests can or ought to giue vnto their Soueraignes? No man could make doubt, but that shee was *Queene*, and did raigne *de facto*, and so much the whole Christian world, and her sworne enemies could not but acknowledge. So that, according to this shamelesse answer, those Priests did giue no other assurance of their loyalty to *Queene Elizabeth*, then any man might giue to a known and manifest vsurper, and by those words to haue as full authoritie, power and Soueraignty as any her Predecessours euer had) did acknowledge her to haue no other power and authoritie, then any known vsurper hath, and which her known enemies, and who accounted her no lawfull *Queene*, would also acknowledge her to haue, that is to be *Queene*, and to raigne *de facto*, but not *de iure*.

6. Secondly, although one may truely acknowledge an vsurper to be *King*, and to raigne *de facto*, for that this doth onely imply an act, fact, or possession, which may bee without any right at all, yet no man can truely acknowledge, that an vsurper, or who is

King *de facto* onely, and not *de iure*, hath authority, which doth import a rightfull and lawfull power, to raigne, and much lesse, to haue *as full authoritie and power*, as euer any his Predecessours euer had, who were Kings, and raigned not onely *de facto* but also *de iure*, or, which is all one, did both actually raigne, and also had full power and authority to raigne.

5 Thirdly, not onely the aforesayd acknowledgement, that her Maiestie, being at that time depriued by the Pope, had neuerthelesse *as full power and authoritie*, as any her Predecessours euer had before, doth necessarily suppose, that the Pope had no authoritie to depriue her, but also, although shee had not beene at that time depriued by the Pope, the other clause of their protestation, which contained a promise to obey her in all temporal causes, and to defend her &c. accounting it their dutie so to doe, notwithstanding any authoritie, or any Excommunication whatsoever denounced or to be denounced against her Maiestie, or euerie one borne within her Maiesties Dominions that would not forsake the aforesayd defence of her Maiestie &c. thinking themselves not bound in conscience to obey this or any such like Censure, doth necessarily suppose and imply the same, to wit, that the Pope had no authoritie to depose her, which Fa. Suarez arguing against the like clause contained in the new Oath of Allegiance doth most cleerely conuince, whose argument therefore I will set downe word by word, only turning his speech to the Priests, which he applieth to the Kings Maiestie.

8 "For to take away all manner of euasion, saith
 " Suarez, I demand, whether those Priests doe vnderstand, that the sentence of the Pope deposing
 " a baptized Queene for crimes may be iust, or they
 " beleue that it is alwaies vniust. The first they will
 " not in my opinion affirme, for otherwise they
 " should promise a most wicked thing, to wit, not to
 " obey

“obey a iust sentence, which implieth in it a iust
“command. For if the sentence bee iust, the com-
“mand also, which enioyneth subiects to obserue it,
“must also be iust, seeing that otherwise it cannot be
“put in execution. Also if the sentence of deposition
“denounced against a Queene may bee iust, it will
“also be effect uall, therefore it hath the effect of that
“punishment which it imposeth. Wherefore seeing
“that the punishment imposed by the sentence of
“deposition from her Kingdome, is to depriue her
“actually, or effectually of her dominion and pro-
“pertie to her Kingdome, a iust sentence doth effe-
“ctually depriue her of her Kingdome, therefore it
“is against iustice and obedience due vnto the Pope
“to resist that sentence, and to defend the Queenes
“person against the execution of that sentence, there-
“fore hee that beleueth the first, and neuerthelesse
“promiseth this second, doth promise a thing clearly
“vniust and wicked.

9 “And besides it implieth a contradiction to be
“willing to yeeld obedience and allegiance, as thin-
“king thy selfe bound so to doe, to one whom thou
“knowest to be by a iust declaration and sentence ef-
“fectually deposed from her Kingdome. As if the
“Pope himselfe should exact of Christians a promise,
“that notwithstanding any sentence or declaration
“of deposing him for any crime euen for heresie de-
“nounced by whatsoever generall Councell, they
“will defend him in his See, and will yeelde him the
“same obedience and allegiance, their promise were
“wicked, for that it were a wicked thing, and against
“the Church & Faith. Such therefore is the promise
“of those Priests, if the aforesaid sentence against the
“Queene bee supposed to bee iust. This therefore
“those Priests without doubt will not admit, neither
“also are they, as I thinke, so inconsiderate of their
“affaires, that if they grant the Popes sentence de-
“nounced

"denounced against a *Queene* may be iust, neuer the-
 "lesse they will deny that against the *Queene* of En-
 "gland it may haue the same iustice. For what grea-
 "ter immunitie or innocencie can they alledge in the
 " *Queene* of England, then in other Princes, who
 "haue beene rebells to the Romane Church, or for-
 "sakers and impugnors of the faith. Or although
 "they do not acknowledge, that the *Queene* for that
 "time had not committed any thing worthy of de-
 "position, how doe they know, that for the time to
 "come she cannot? and yet their promise is absolute,
 "notwithstanding any authoritie, or any sentence of Ex-
 "communication denounced or to be denounced against the
 " *Queene*, or every one borne within her Maiesties Do-
 "minions. &c. Wherefore there is no doubt, but that
 "the ground of this promise and profession is, that
 "such a sentence cannot bee iust. Wherefore from
 "hence we evidently conclude, that those Priests by
 "the aforesaid words do professe, that the sentence of
 "deposition against the *Queene* can neither be valid
 "nor iust. For in very deede this they doe professe,
 "when they promise not to obey, nor to obserue such
 "a sentence.

10. Whereupon we do moreouer conclude, that
 "those Priests doe professe, that the Pope hath not
 "power to denounce such a sentence, seeing that for
 "no other cause they doe beleue the sentence to be
 "vniust, but for that it is giuen without power and
 "Iurisdiction in the *Pope* to depose a *Queene*. Nei-
 "ther can those Priests alledge in such a sentence any
 "other cause of iniustice, which is perpetuall, and
 "may be a ground of this part of their profession.
 "for their profession doth not speake of a sentence al-
 "readie denounced, but absolutely of a sentence de-
 "nounced or to be denounced against the *Queene*: ther-
 "fore it doth comprehend every sentence, whether
 "it bee giuen the partie being heard, or not heard,
 "whether

“whether for disagreement in religion, or for any o-
 “ther crime, or cause whatsoever. Wherefore the in-
 “justice which those Priests do suppose to bee in that
 “sentence and whereupon they ground their professi-
 “on is no other, but for that they beleue, that it can-
 “not proceede from a lawfull power and Iurisdic-
 “tion. And therefore I conclude that they professe,
 “that the Pope hath not power and Iurisdiction to
 “giue a sentence of deposition against the *Queene* for
 any cause. Thus argueth Father *Suarez*. So that it is
 euident, that those *thirteene reuerend Priests* must of
 necessitie suppose, if they will haue their protestation
 and promise to be iust and lawfull, that the Pope hath
 no power to depriue Princes of their Regall right and
 authoritie.

11. And by this fift testimonie it is also apparant,
 that not only M. *Dostour Barclay*, and *Widdrington*,
 as Card. *Bellarmino* in his booke against *Barclay*, and
 now in his *Sculckenius* against me, vtruely affirmeth,
 but many other English Catholikes (to omit those o-
 ther learned Catholikes of other Countries, of whom I
 haue spoken before, and the Kingdoms and State of
 France, of which I will speake beneath) & are of opi-
 nion, that the Pope hath no authoritie to depriue So-
 ueraigne Princes of their temporall Kingdomes and
 dominions. Which also may moreover be confir-
 med by the petition, which some English Catholikes did
 exhibire to *Queene Elizabeth* deceased after the disco-
 uerie of *Parries* conspiracie, wherein these expresse
 wordes are contained : In consideration of all which ne-
 cessario points, we doe protest before the true lining God,
 that all and euery Priest and Priests, who haue at any time
 conuersed with vs, haue recognized your Maiestie their
 vndoubted and lawfull *Queene tam de iure, quam de facto*.
 who neuertheless was at that time and long before
 depriued of her Princely power, right and dignitie by
 the publike sentence of Pope *Pius* the fift.

S

12. And

g In the next
 Chapter.

12. And to these authoriticawe may add the testimonies set downe in the end of Mr. Blackwells Latine examination, of Bishop Watson, Abbot Fernam, Doctor Cole, John Harpesfield, and Nicolas Harpesfield) all of them very famous and learned Catholikes) who vpon the publishing of the Bull of Pius Quintus against *Queene Elizabeth*, being examined by the Magistrate in the yeare 1578. and demanded, whether notwithstanding the aforesaid Bull, or any other sentence of the Pope denounced or hereafter to be denounced against the said *Queene*, they did thinke, that *shee* was their true and lawfull *Queene*, and that they, and all other English and Irish men did as Subiects owe to her Maiesty obedience, faith, and loyalty, as to their lawfull and true *Queene*, and Soueraigne Prince, they did all with vni-forme consent acknowledge, and confesse, that notwithstanding the aforesaid Bull, or any other sentence or declaration of the Pope already denounced, or hereafter to be denounced against the said *Queene*, *shee* was their true, and lawfull *Queene*, and that they did owe unto her obedience and allegiance as to their lawfull Prince. And Nicolas Harpesfield answered more plainly and distinctly, that notwithstanding the aforesaid Bull, sentence and declaration of the Pope, or any other already denounced, or hereafter to be denounced by the Popes authority, he did acknowledge her to be his true *Queene*, and was to be obeyed, as a true *Queene*, and had as ample and full Regall authoritie in all civill and temporall causes, as either other Princes haue, or her most noble Progenitors euer had. The like also M. Edward Rishton, and M. Henry Orton both learned Priests did answer.

13. But M. James Bosgrave a learned Iesuite in his declaration made in the yeare 1582. did more plainly and fully set downe his opinion concerning the power it selfe to depose, that he did thinke, and that before God, that the Pope had no authoritie, neither de facto, nor de iure, to discharge the Subiects of the *Queenes*

Queenes Maiestie, or of any other Christian Prince of their allegiance for any cause whatsoever, and that he was inwardly perswaded, in his conscience, that the Queenes Maiestie both is his lawfull Queene, and is also so to be accounted, notwithstanding any Bull or Sentence, which the Pope hath given, shall give, or may hereafter give, and that he is ready to testifie this by Oath, if neede require. Mr. John Hart also a learned Iesuite in his conference with M. Rainolds in the tower in the yeare 1584. and in his Epistle to the indifferent Reader did answer as effectually: As for that, saith he, which M. Rainolds affirmeth in one place, ^h that I haue told him, that my opinion is, the Pope may not depose Princes, indeede I told him so much. And in truth I thinke, that although the spirittuall power be more excellent and worthie then the temporall, yet they are both of God, neither doth the one depend on the other. Whereupon I gather as a certaine conclusion, that the opinion of them, who hold the Pope to be a temporall Lord ouer Kings and Princes, is unreasonable, and vnprouable altogether. For he hath not to meddle with them or theirs ciuilly, much lesse to depose them, or giue away their Kingdomes: that is no part of his commission. He hath in my iudgement the Fatherhood of the Church, not a Princelhood of the world: Christ himselfe taking no such title vpon him, nor giuing it to Peter, or any other of his disciples. And that is it which I meant to defend in him, and no other soueraigntie.

14 Mr. Camden also relateth ⁱ, that when Fa. Campian, and diuers other Priests were demanded by the Magistrate, whether by the authoritie of the Bull of Pius Quintus hir Maiesties Subiects were absolved from their oath of allegiance in such sort, that they might take armes against hir Maiestie? whether they did thinke her to be a lawfull Queene? whether they would subscribe to the opinion of D. Sanders, and Bristow touching the authoritie of that Bull? whether if the Pope should make warre against the Queene, they would take his or hir

h Chap. 7.
diuis. 7.

In Annalibus
rerum Anglic.
etc. pag. 327.
ad ann. 1581.

k. arguuntur sando

part? Some answered so ambiguously, some so headily, others by wrangling^k, or by silence did shift off the questions so that diuers plaine dealing Catholikes began to suspect, that they harboured some treachery: and one Iames Bishop a man deuoted to the Pope of Rome did write against these men, and did soundly shew, that Constitution, which is obruded in the name of the Councell of Lateran, (whereon all the authoritie to absolue Subiects from their Allegiance, and to depose Princes is grounded) was no other then a decree of Pope Innocent the third, and neuer receined in England: yea and that Councell to be none at all, nor any thing there decreed at all by the Fathers. By all which it is euident, that few English Catholikes were of opinion, that the Pope hath power to depose Soueraigne Princes, vtill these later Iesuites, and such as adhered to their opinions, began to defend so eagerly the Bull of Pius Quintus, and to maintaine with such vehemencie his afore said authoritie to depose Princes, as a point of faith, which doctrine how preiudiciall it hath been, and is at this present to Catholikes, and Catholike Religion, Heaue, Catholike Reader, to thy prudent consideration.

Chap. 6. *Wherein the authoritie of the Kingdom, and State of France is at large discussed.*

a Cap. 3. Sec. 3.
num. 12.
b Num. 30.
& seq.

1. **T**He sixt and last testimonie which I brought in my *Theologicall Disputation*^a, and also in my *Apologie*^b, and which onely, if there were no other, would suffice to proue, that the doctrine for the Popes power to depose Princes is not a point of faith, was taken from the authoritie of the most noble, and most Christian Kingdom and State of France, which euer held the contraie to be the more true, sound, and assured doctrine. And first to omit the authoritie

ritie of *Jacobus Almaine*, a famous Schoole-Divine of Paris, whereof I spake before, who affirmed, that very many, or most Doctors were of opinion, that the Pope hath not by the institution of Christ authoritie to inflict temporall punishments, no, nor so much as to imprison, much lesse to deprive Princes of their Kingdomes or liues) in a generall Parliament, or assembly of all the States of France held at Paris in the yeare 1593. the *Cardinall de Pellexe*, and other Prelates, who then were present, tooke exceptions against certaine decrees of the Councell of Trent, which *Laurentius Bochemus* relateth, among which that of the 15. session, chap: 19. wherein the Councell forbiddeth Kings to permit single combats, was one. The Councell of Trent, say they, doth excommunicate and deprive a King of the Citie or place, wherein he permitteth to fight a single combat. This article is against the authoritie of the King, who cannot be deprived of his temporall Dominion, in regard whereof he acknowledgeth no Superiour at all.

2 Secondly, *Petrus Picheaus*, a man, as *Posseuine* the Iesuite relateth, truly learned, and a diligent searcher of antiquitie, in his booke, of the liberties of the Church of France, printed at Paris by authoritie of the Parliament in the yeare 1594, doth out of a generall maxime, which France, as he saith, hath ever approved as certaine, deduce this particular position: That the Pope can not give as a prey the Kingdom of France, nor anything appertayning thereto, neither that he can deprive the King thereof, nor in any other manner dispose thereof. And notwithstanding any admonitions, Excommunications, or Interdicts, which by the Pope may be made, yet the subjects are bound to yeeld obedience due to his Maiestie for temporalls, neither therein can they be dissented, or absolved by the Pope.

3 Mark now, good Reader, what silly shifts *D. Schulckenius* hath found out to repell the aforesaid authorities. To the first hee answereth, that it is not

credible,

credible, that the Cardinall of Pelleue, and the other Prelates should affirme that, which Bochartus relateth. For the Councell of Trent, saith he, doth not decree, that Princes are absolutely deprived of the Cittie and place, wherein they shall permit single combat, but with a restriction, that they are deprived of the Cittie, fort, or place, which they hold of the Church, or which they hold in fee farme. Therefore the Councell doth not speake of the King of France, or other absolute Kings, vlesse Bochartus will haue the Kingdom of France to be giuen to the Kings by the Church, or that the King is not a direct Lord, but a feudarie. Therefore it had been great imprudence and malignitie, to deprave so spitefully the words of the sacred Councell, as Bochartus hath depraved, which ought not to be presumed of the Cardinall of Pelleue, and of the other Prelates.

4 But truly it is not credible, that Bochartus durst presume to commit so great, and publike a forgerie, as to falsifie the Records of the highest Court of Parliament, and assembly of the three States of the Land, especially printing his booke at Paris, where without doubt he should not want men both to finde out easily, and also to punish seuerely so great a forgerie, and withall affirming, that those articles were extracted out of the Register of the assembly held at Paris in the yeare 1593, and putting downe such particular circumstances, as naming not only the day of the yeare, but also of the moneth, to wit, the 19. of Aprill, when the Lord Abbot of Orbais did on the behalfe of the Lord Cardinall of Pelleue bring a coppie of them &c. and setting downe all the articles in French, whereas the maine corps of his booke was Latin.

5 Neither is the reason, which D. Schulckenius bringeth, to make this testimonie seeme incredible, of any great moment. For first it is vntrue, which he saith, that the Councell did not speake of the King of France, and other absolute Kings. The words of the Councell

Councell are cleere to the contrarie. The Emperour, saith the Councell, Kings, Dukes, Princes, Marqueses, Earles, and temporall Lords by what other name soever they be called, who shall grant a place for single combat in their Countries among Christians, let them be excommunicated, and understood deprived of the Jurisdiction and Dominion of the Citie, fort, or place, which they hold from the Church, wherein, or wherent they shall permit single combat, and if they be held in fee farme, let them forthwith be taken for the direct Lords: but they that shall fight the combat, and they that are called their Patrim, let them incurre ipso facto the punishment of Excommunication, and forfeiture of all their goods &c. So that it is plaine, that the Councell speaketh of Emperours, and of other absolute Kings and Princes.

6. Secondly, although it bee cleere, that those words [let them be deprived of the Citie, Fort, or place which they hold from the Church] be spoken with a restriction and limitation onely to those Citties, Forts, or places, which bee held from the Church, yet the words following [and if they be held in fee farme, let them forthwith be taken for the direct Lords] may absolutely, and without the aforesaid restriction bee understood of those Citties, Forts or places, which be held in fee farme either from the Church, or from some other Soueraigne Prince, as from the direct Lord of them. So likewise the punishment of the confiscation of goods may be vnderstood as well without the territories of the Church, as within the Popes dominions, and may also bee vnderstood to comprehend absolute Princes, if perchance they should either bee Patrim, or fight themselves in single combat. And so by consequence it might bee inferred, that, if the Councell hath authoritie to deprive absolute Kings of those dominions, which thy hold in fee farme from other absolute Princes, or to confiscate their goods, or else the goods of their subjects without their con-

d q. 28.

lent, the Councell also hath authoritie to depriue for the same cause absolute Princes of their Citties, Forts and places, whereof they are absolute Lords. And so the Cardinall of Pellenne, and other Prelates of France might vnderstand the Councell in that sense, as also D. Weston in his Sanctuarie^d doth vnderstand them, and thereupon vrgeth those words of the Councell of Trent as a principall argument to prooue, that the doctrine for the Popes power to depose Princes is a poynt of faith, and decreed by the Councell of Trent, who little thought, that he should therefore haue beene censured of imprudencie and malignitie, as D. Schulckenius censureth the Prelates and Parliament of France, if they should vnderstand in that manner the Councell of Trent, as Bohellus relateth, and D. Weston expoundeth it.

c Pag. 124.

6. To the second testimony of Petrus Pithæus, D. Schulckenius answereth in as shuffling a manner. First, I answer, saith he, that Antonie Possenine commendeth Petrus Pithæus for a learned man, and a diligent searcher of antiquity, and relateth all his workes, and also his death, and yet he maketh no mention of this booke, and I confesse I neuer saw it. But although neither Possenine, nor D. Schulckenius euer saw that booke, yet I haue seene it, and read it, and it was printed at Paris by the authoritie of the Parliament in the yeere 1594. and it hath those maximes and positions which I related in my Apologie. And therefore we haue the testimony of a very learned Catholike, and a diligent searcher of antiquitie, by Posseninus confession, that France hath euer held this position for vndoubted, that the Pope hath no authoritie to depriue the King of France of his Kingdom, and that notwithstanding any admonitions, Excommunications &c. his subiects are bound to obey him in temporals.

7. His second answer is, that whosoever is the Author of that booke, it is cleereely false, that France hath alwaies

waies approved that doctrine for certaine. Marke now the reasons, which D. Schulckenius bringeth to convince this very learned man, and diligent searcher of antiquity of manifest falsehood. For first it is repugnant, saith he, to the Councell of Claramont, wherein Philip the first was excommunicated and deprived of his Regall Honour and Crowne by Pope Urbanus the second, whereof see Iuo Carnotensis in his 28. epistle to Urbanus. But it is most cleerely false, that Philip was in that Councell deprived of his Regall Honour and Crowne, as both I^f, and Mr. John Barclay have cleerely shewed heerebefore, for that no Historiographer writeth, that he was deposed in that Councell, but at the most onely excommunicated, for that hee had forsaken his lawfull wife Berta, and had married Bertrada, who was also wife to another man. For Sigebert, Aimonius, Matthew Paris, Nauclerus, Paulus Emilius, Robertus Gaguinus, Papius Massonius, the Authour of the fragment of the historie of France published by Petrus Pitheus with Glaber, Genebrard, and Vignerius doe relate that Philip was excommunicated by Urbanus, and as some of them say, in the Councell of Claramont, but none of them make mention, that hee was deposed or deprived of his Royall honour and Crowne.

8. Neither can it any way be prooued out of Iuo, that Philip was deprived by Pope Urbanus of his Royall Honour and Crowne, for that Iuo at that very time, when Philip was excommunicated, did in expresse words account him his Lord and King, and offered him his faithfull seruice, as to his Lord and King: This onely can be gathered out of Iuo, that King Philip was desirous to honour his new Queene, or rather Concubine Bertrada, by putting the Royall Crowne or Diademe on both their heads in a publike solemnity, which for that it was a religious ceremony, and usually done in the Church at the time of Masse, by the Primate of the Land, and Philip was at that time ex-

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commu-

f In Prefat. ad
Resp. Apol. num.
36. & seq.
g In Prolegom.
num. 75.

communicated and deprived of all holy rites and ceremonies of the Church, *Pope Urbanus* forbade all the Bishops of France to crowne in that sort the King, and his new supposed Queene, for *Philip* himselfe was long before crowned King of France, and this solemnitie, which *Pope Urbanus* forbade, or the want thereof did not giue or take away from King *Philip* any iot of his Royall power and authoritie.

9. Secondly, it is repugnant, saith D. Schulckenius, to the examples of *Gregorie the great*, of *Zachary*, and of other Popes. But to those examples both I haue answered at large in my Apology,^h and also since that Mr. *John Barclay*^l, to whom as yet no Reply hath beene made, and first, that those words of S. *Gregorie*,^k *honor suo priuetur*, let him be deprived, or I would to God he may be deprived of his honour (for both wayes it may be Englished, as that the verbe *priuetur* may be of the Imperatiue, or of the Optatiue moode) doe not contain a iuridicall sentence, command or decree, as likewise neither those words, which are spoken in the like manner by S. *Gregory*, & *cum Iuda traditore in inferno damnetur*, and let him be damned in hell, or, I wish he may be damned in hell with *Iudas* the traitour, but onely either a zealous imprecation^l against them, who should infringe his priuiledge, if they did not repent, or else a declaration, that they were worthie for their contempt, to bee deprived of their honour, and to bee condemned to hell fire with *Iudas* the traitour: from whence it cannot be inferred, that the Pope hath authoritie to depriue by a iuridical sentence those Kings who infringe his priuiledge of their Regall Honour, or to condemne them by a iuridicall sentence to hell fire.

10. So likewise to that example of *Pope Zacharie* I answered,^m that he did not by any iuridicall sentence of deprivation depriue *Childerike* of his Kingdome, and create *Pipin* King, but onely gaue his aduise, counsell,

h Num. 381.
& seq. & num.
404. & seq.
i Ca. 40. & 42.
k Lib. 2. epist.
post. epist. 38.

l See Baronius
ad annum
1097. num 51.

m Num. 404.
& seq.

counsell, and consent, or at the most command to the *Peeres of France*, that they ought, or might lawfully (the circumstances which they propounded to *Zacharie* being considered) deprive *Childerike* of his kingdome, and create *Pipin* king: but this argueth no authoritie in the *Pope* to depose Princes by any iuridicall sentence of deprivation, but at the most an authority in the common wealth to depose their King in some cases of great moment, which is not the question, which we haue now in hand. And therefore the *Glosse* with other graue and learned Authours cited by me in my *Apologie* doe expound those wordes of *Pope Gregorie* the seuenth: *Zacharie* deposed *Childerike*, thus, *Zacharie* gaue his aduise and consent to those who deposed him: and those wordes, which some *Chronicles* haue, *Childerike* was deposed by the authoritie of *Pope Zacharie*, *Lupolbus Bambergensis*, *Ioannes Parisiensis*, and *Michael Coccineus* doe expound in the like maner, that *Childerike* was deposed by the authoritie of *Pope Zacharie* not deposing *Childerike*, and creating *Pipin* King, but only declaring, that he might be lawfully deposed by the *Peeres of France*, whereof they were in some doubt, for that they had sworne to him allegiance, and therefore they craued the opinion, and aduise of *Pope Zacharie* to be resolved by him of that doubt, for that the *Vniuersitie of Paris* did not flourish at that time, saith *Ioannes Maior*, and so *Pipin* was annointed King by the election of the *Barons*, saith *Ioannes Parisiensis*, and by the authoritie of the *Pope* declaring the doubt of the *Barons*, which also they might haue done without the *Popes* consent upon a reasonable cause.

11. But because *Card. Bellarmine* will neuer cease to inculcate still the same authorities, which by mee, and others haue beene so often answered, I thinke it not amisse to add something here concerning that, which I did in generall words insinuate in my *Apologie*, and is more expressely touched by *Nicholas Vinger-*

n In cap. *Alimus*
15. q. 6.
o Num. 404.
& seq.

p In 4. dist. 24.
q. 3. circa fin.
de potest. Regis
& Papal. c. 15.

q Num. 382.

rius in his *Historie of the Church of France*, and more particularly vrged by the *Bishop of Rochester* in his answer to *Card. Bellarmine's Treatise* against *Barclay*; to wit, that the priueledge which is said to be granted by *S. Gregorie* to the *Monasterie of S. Medard*, and which is so greatly vrged by *Card. Bellarmine*, and others, is not so *authentick*, as *Card. Bellarmine*, and others suppose it to be, which may be proued by many probable coniectures; as by the *stile*, and *phrase*, which is not agreeable to *S. Gregories*, and also by the date of the year of our Lord, which is not agreeable to the manner of dating of those daies, but principally by the persons, who are subscribed for witnesses to that priueledge. For *S. Austin* Bishop of *Canterbury*, and *Mellitus* Bishop of *London*, and *Theodorike* King of *France*, are subscribed for witnesses to that priueledge, and yet neither *S. Austin*, nor *Mellitus*, were Bishops, nor *Theodorike* King at that time, which *Card. Baronius* also doth in expresse words affirm. But I confesse, saith he, that the subscriptions of the Bishops, and of *Theodorike* King of *France* do not agree to these times: for many Bishops, who are found subscribed, are knowne to be created some certaine yeares after, as to speake nothing of the rest, *Augustin* Bishop of *Canterbury*, and *Mellitus* of *London*, who, as it is manifest, were neither at this time Bishops, nor gone for *England*, neither at this time did *Theodorike* reigne in *France*, but *Childebert*, and *Gunthramn*. Wherefore my opinion is, that the subscription was afterwards adioyned. Thus *Baronius*. But considering that *Theodorike* not only in the subscription, but also in the priueledge it selfe is named King, at whose instance *S. Gregorie* saith he granted that priueledge, *Baronius* might with the same reason haue affirmed, that not only the subscription, but also the priueledge it selfe was afterwards made, and adioyned to *S. Gregories* Epistles, which without doubt *Baronius* would quickly haue acknowledged, if it had not beene for those

r Ad annum
893. num. 85.

those words *honore suo priuatur*, which hee thought made greatly for the Popes power to depose Princes, seeing that vpon far weaker grounds hee sticketh not to deny oftentimes priueledges, and antiquities, which neuer before were called in question.

12. And although Pope *Gregorie* the seventh in his Epistle to the Bishop of *Metz* doth not cite this priueledge, of *S. Gregorie* granted to the Monasterie of *S. Melard* (which is no small coniecture, that this priueledge was not extant in those daies among the Epistles of *S. Gregorie*, for otherwise it bearing so great a shew of being authenticall by the subscription of 30 Bishops, and the King and Queene of France, who were witnesses thereunto, it would by all likelihood haue beene cited by Pope *Gregorie* the seventh) but an other priueledge granted to an other Monasterie by *S. Gregorie* in his Epistle to one *Senator Abbes*, where in *S. Gregorie* did not say *honore suo priuatur*, let him be depriued of his honour, but *potestatis, honorisque sui dignitate careat*, let him want, or, I desire he may want, not his honour, but the worthinesse of his power and honour, which words are not so forcible to prooue the Popes authoritie to depriue Kings of their princely honour and power, but at the most to declare them to bee vnworthy of it for some crime committed by them, and to be worthy also to be damned in hell with *Iudas* the Traitor, for that many a one may be a true King, and haue princely power and honour who is vnworthy thereof. Neuerthelesse, (besides that the afore said words do containe no sentence of depriuation, but onely a curse, or imprecation, which kinde of imprecations euen containing *anathema* was frequent in the priueledges granted by Lay-men, yea and vpon sepulchres, that men should be fearefull to violate them, as *Baronius* relateth) also this priueledge mentioned in *S. Gregorie*s epistle to *Senator*, is not so authenticall, both for that it hath neither date of any yeare, or day when

(Lib. 11. epist.
epist. 10.

(Ad an. 1097.
Num. 51.

it was written, nor subscription of any witnesse, which by likelihood it would haue had, if there had beene any authentick copie thereof, and also for that the Author of the booke intituled *de unitate Ecclesie* who is thought to be *Venericus* Bishop of *Vercellus*, and liued in *Pope Gregorie* the seuenth his time, answering that epistle of *Pope Gregorie* the seuenth to the Bishop of *Mertz* doth boldly affirme, that those words, *potestas honorisque sui dignitate careat*, let him want the worthinesse of his power and honour, were not in those daies extant among the workes of *S. Gregorie*. Whereby the Reader may easily perceiue, what weake demonstrations and authorities *Card. Bellarmine* doth so often inculcate to conuince this doctrine for the Popes power to depose Princes to be a point of faith.

13 Thirdly, it is also repugnant, saith D. Schulckenius, to those most famous French writers, whom I related before. But although it be true, that the most part of those seuentene French writers related by *Card. Bellarmine* in his booke against *Barclay*, and now in his *Schulckenius* against me, are of opinion, that the Pope hath power to depose Princes, this neuertheless may also be true, which *Petrus Pithem* affirmeth, to wit, that *France*, vnderstanding thereby the State of *France*, hath ever held, that the Pope hath no authoritie to depriue the King of *France* of his Kingdom. May it not truly be said, that the Kingdom, and State of *England* hath from the first yeere of *Queene Elizabeths* reigne, euen to this present time, held, that the Catholike Romane Religion is not the true Religion, notwithstanding that not onely seuentene, but seuentene thousands there haue been of English Catholikes, since the first beginning of hir reigne, till now, who haue held the contrarie. wherefore when *Petrus Pithem* affirmed, that *France* hath ever held, that the Pope hath no authoritie to depose their King, by *France* hee did not vnderstand euery particular French

French-man, but the State and temporall Governours of the Kingdome of France, which his assertion is also confirmed by the State and Parliamēt of Paris, first in the censuring of Card: Bellarmine's booke against D. Barclay, then in burning his *Schulckenius* written against me, afterwards in condemning *Suarez* booke against his *Majesties Apologie* for maintayning so stilly this doctrine for the Popes power to depose Princes, and to dispose of all their temporalls, which they call a *scandalous*, and *seditions*, a *damnable*, and *pernicious doctrine*, and now lastly, by the decree of the Parliamēt of Paris the second of Ianuarie of this present yeere 1615, wherein it is ordained, that it shall not bee held for *problematicus*; and also by the new oath of allegiance like vnto that of ours, (but that ours is more *sweete*, and more *modest*, as the Cardinall du Peron^a affirmeth) which those of the lower house of the generall assembly of all the States of France, (whom the same Cardinall du Peron, in his speech to them, confelleth to be *Catholikes*;) endeavoured to have made for a *fundamentall Law*.

u Pag. 100.

x Pag. 96.

14 Lastly, it is also repugnant, saith D. Schulckenius, to reason, it is repugnant to the principles of the Catholike faith. For if the Subjects of the King of France be bound to obey their King being excommunicated, and that they can not be absolved from this obedience by the Pope, it followeth that either the King of France can not be bound by Christ his Vicar with the bond of Excommunication, or that his Subjects can not be loosed from the bond of their allegiance and obedience. Both are repugnant to the words of Christ, who said to his Vicar, whatsoever thou shalt binde vpon earth, shall be bound also in heaven, and whatsoever thou shalt loose vpon earth shall be loosed also in heaven. Neither did Christ except the King of France, or his Subjects, and who hath excepted them I can not tell. This I know, that no man could by right except them, and whosoever will not be sub-

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ieft to the keyes of the Church, I know, and with a cleare voice I doe pronounce, that hee will neither bee a Christian, nor can hee appertaine to the kingdome of Christ.

15 Great words to small purpose. For although it be true, that Card: Bellarmine, Suarez, and some few others are, or seeme to be of opinion, that it is against reason, and against the principles of the Catholike faith, to hold, that the Pope hath no authoritie to depose Princes, yet it is also true, that other learned Catholikes are of opinion, that it is neither against reason, nor against the principles of the Catholike faith to hold, that the Pope hath no such authoritie. Must the opinion of Card: Bellarmine, or of Suarez, or of any other learned Catholike, be a rule of reason to all other learned Catholikes, or to bee accounted by all Catholikes the principles of the Catholike faith? All Catholikes doe confesse, that the Pope hath authoritie to excommunicate a Christian King, and that Subiects are not bound to obey an excommunicated King in those things, which the Censure of Excommunication of it owne nature, and by the institution of Christ doth forbid; but to absolve Subiects from their temporall allegiance either by vertue of Excommunication (which being a spirituall Censure hath neither of it owne nature, nor by the institution of Christ such a temporall effect) or by the sentence of deprivation; this many learned Catholikes, with the State of France doe affirme not to belong to the Popes spirituall authoritie to binde, or loose.

16 True also it is, that all Christians are subiect to the keyes of the Church, but these keyes are spirituall, not temporall, of the kingdome of heauen, and not of earthly kingdomes; neither is any Christian excepted from that authoritie, which Christ gaue to S. Peter by those words, *whatsoever thou shalt loose &c.* But those words are not to be vnderstood of temporall,

rall, but onely of spirituall bindings and loosings, as I haue often shewed; neither did any of the ancient Fathers euer extend the *keyes* of the Church, to the absolving of Subiects from their temporall allegiance, or to the depriuing of Kings and Princes of their temporall lines, libertie, kingdomes or goods, as by some Catholikes of these latter ages, contrarie to the true meaning and institution of Christ, and to the vnderstanding and practise of the primitiue Church, they haue been violently wrested. To that *whatsoever thou shalt loose &c.* I answer, saith Ioannes Parisiensis, according to S. Chrysostome & Rabanus, that by this is not vnderstood any power to be giuen but spirituall, to wit, to absolve from the bond of sinnes. For it were foolish to vnderstand, that by this is giuen a power to absolve from the bond of debts, and much lesse from that great and high debt of temporall allegiance.

16. These be all the exceptions which D. Schulckenius taketh against those authorities, which I broght in my *Theologicall Disputation*: Now let any indifferent Reader iudge, whether he hath sufficiently answered those authorities, or rather by cauilling and shuffling laboured cunningly to shift them off, and whether Mr. Fitzherbert might not blush to affirme so boldly, that D. Schulckenius, to whom he cunningly also, as you haue seene, remitteth his *Englis Reader*, for his answer to those authorities, hath answered particularly to euerie one of them, and prooned cleerely, that diuerse of them make flat against Widdrington, and many nothing at all for him (being truly vnderstood) and that some others are worthily reiected, being either so absurd, that they are easily confuted by the circumstances of the places alledged, or else heretikes (as appeareth by their doctrine in other things) or knowne Schismatikes, who liuing in the times of the Emperours or Kings that were deposed, wrote partially in their fauours, of which sort neuertheless there are very few, so that of all the Authors, that

that Widdrington hath scraped together to make some show of probability in his doctrine, hee hath no more cleere and sufficient witness to iustifie the same, which how true it is, or rather most cleerely false, I remit to the consideration of the indifferent and iudicious Reader.

17. For the testimony of *Iohn Trithemius*, a learned and vertuous Catholike, who expressly affirmeth, that it is a controwersie among Schoolemen, & as yet not decided by the Iudge, whether the Pope hath power to depose the Emperour or no, partly hee reiecteth, partly that word Schoolemen hee ridiculously expoundeth to be *Historiographers, Grammarians, Poets*, as *Sigebert, Valla, Dantes*, who neuertheless are by *Trithemius* himselfe related to be also excellent *Diuines*, and partly to repell his testimonie he falsely, grossely, and vnduisedly taxeth him with errors committed in his historie, and for prooffe thereof he remitteth his Reader to *Possennius*, who, as you haue seene, both in that, and also other points of historie hath shamefully erred himselfe: and neuertheless, that which *Trithemius* affirmeth, *Iacobus Almains* a famous *Schoole-Diune*, and *classicall Doctour of Paris*, who liued also in those daies, confirmeth to be true, whose words *D. Schulckenius* doth cunningly passe ouer without any answer at all. *Albericus*, a *Classicall Doctour* of the canon and ciuill Law, for that hee deliuereth his opinion with submission, & is ready to recal it, if it should prooue erroneous, as euery good Catholike ought to doe, he will haue to speake *wauering*, and altogether *doubtfull*. *Ioannes Parisiensis*, a most learned *Schoole-Diune* partly he will haue to make nothing for my opinion, and yet he confesseth that *Parisensis* is of opinion, that the Pope hath no authoritie to depriue a Prince of his Kingdome by a iuridicall sentence of deprivation, which neuertheless is the maine and sole point, which I contend to prooue: and partly to cleane ouerthrow his testimony he taxeth him with-

out sufficient ground of many errors, which errors neuerthelesse although he should haue maintained, doe cleerely confirme this doctrine against the Popes power to depose Princes. The testimony of M^r. D. Barclay a famous, learned and vertuous Catholike he no more regardeth then of an heretike. To M. Blackwell and those other English Priests he answereth nothing. The Records of the generall assembly of the States of France related by Boetellus with such particular circumstances, that no man can misdoubt of them, for a friuolous reason hee accounteth incredible. The testimonie of Petrus Pithens, a very learned Catholike, and a diligent searcher of antiquity by Possuines confession, affirming that France hath ever held for certaine, that the Pope hath no authoritie to depose their King, also for friuolous reasons hee vtterly reiecteth, which neuerthelesse the late proceeding of the Court of Parliament against his, and such like bookes hath sufficiently confirmed. And if this manner of answering authorities is to bee admitted, who may not easily shift off any authorities whatsoever, especially when they shall haue their trumpetters to extoll all their writings and answers to the skie, and to depresse their aduersaries, and who shall seeme to make against them, whether they be liuing or dead, euen to the pit of hell, appeaching them of *heresie, error, schisme*, and such like hainous crimes?

18. Many other authorities I brought in my *Apolo-
gie*, which doe cleerely contradict Card. Bellarmines doctrine (which onely I tooke vpon mee to confute) whereof some of them doe expressely affirme, that the Church of Christ hath onely a *spirituall*, and not a temporall sword; Others, that temporall Princes are in temporall affaires next vnder God, and to bee punished with temporall punishments by God alone, and that the temporall power is independant of the spirituall: Others, that neither *Childerike* was depo-

fed, nor the *Roman Empire* translated from the *Grecians* to the *Germans*, or *French*, by the *Popes* sole authoritie, but by the consent, suffrages, and authoritie also of the people, which neuerthelesse are principall authorities, which by *Card. Bellarmine* and others are brought to prooue the *Popes* power to depose Princes: Finally others, although they be of opinion, that the *Pope* hath authoritie to depose Princes for heresie, or, which is a farre different question, to declare them to be deposed (for so writeth *Antonius de Rosellis*) yet they deny that for other temporall crimes or for insufficiency in government a Christian Prince can be deposed by the *Pope*, whereas *Card. Bellarmine* doth not limit his authoritie to any crime or cause, but doth absolutely, *in ordine ad bonum spirituale*, in order to spiritnall good extend this pretended authoritie.

19. Neither is it true, that I brought the authority of anie heretike for prooffe of my opinion, as M. *Fitzherbert* without anie shame or conscience vntrely affirmeth: I omitted of set purpose to name *Marsilius of Padua*, for that not onely his booke, but also himselfe is placed among heretiket in the Catalogue of forbidden bookes. And although I had vrged his authority in that sort, as I did vrge it in my *Appendix* against *Fa. Suarez*, yet it had beene in my iudgement a foreible prooffe; not for that I thinke the authority of an heretike, barely considered by it selfe, to be of anie force to prooue affirmatiuely any doctrine to belong to faith, but for that *Marsilius*, writing a booke of purpose to defend the right and Soueraigntie of *Emperours* and *Kings* against the *Popes* power to depose them, wherein here and there he scattereth many heresies, he should by Catholike Authours, who write of heresies, as *Castro*, *Pratsolus*, *D. Sanders* and others, bee particularly taxed of those heresies, and yet his doctrine against the *Popes* power to depose Princes, which was the

the principall subject of his booke, should not bee censured by them as *hereticall* or *erroneous*, for this is a forcible argument, that those Catholike writers did not account his doctrine in that point to be *hereticall* or *erroneous*, although they thought it perchance to be the lesse probable doctrine.

20. True also it is, that in my Apologie I alledged *Sigebert* for my opinion, for that hee vehemently impugned this pretended doctrine for the Popes power to depose Princes, both against *Pope Gregorie the seventh*, and also *Paschalis the second*, calling it a *noveltie*, not to say an *heresie*, and answering, as he saith, with strong arguments of the Fathers the Epistle, which the said *Gregorie* wrote to *Hermannus Bishop of Metz* in reproach of Kingly power. But *Sigebert*, saith *D. Schulckenius*, was a *Schismaticke*, and his bookes against *Gregorie the seventh*, and *Paschalis the second* are condemned by the *Catholike Romane Church*. But truly it is strange, and greatly to be lamented, to see some *Catholikes* now adaies, especially who professe sanctitie of life, and pretend to haue a tender and timorous conscience so easily to defame, and slander other *Catholikes*, who dislike their opinions or proceedings, with such enormous crimes, as are *Schisme*, *heresie*, and *Apostacie*. What reason had *Card. Baronius*, of whom *D. Schulckenius* hath taken the same, to call *Sigebert* a *Schismaticke* (he being by no other Authour, that I haue read, before *Baronius*, charged with that heinous crime, but was euer reputed a learned, vertuous, and religious *Catholike*) truly I cannot in any wise perceiue. *Schisme* is a rebellious seperation from the vnion of the Church, or a refusing to obey the Pope, as he is the visible head of the Church, and Christ his Vicegerent on earth.

21: For observe diligently, saith Card. Caietane
that to refuse to obey the Popes command may happen
three manner of waies. First, in regard of the thing com-

y 28.249.39.
av. 2. in resp.
ad 2m.

manded. Secondly, in regard of the person commanding; and thirdly in regard of the office of the Iudge, or commander. For if one doth even with obstinacie contemne the Popes sentence, to wit, for that he wil not fulfill that, which the Pope hath commanded, as to abstaine from such a warre, to restore such a State &c. although hee should most greivously sinne, yet he is not for this a Schismaticke. For it falleth out and that often, that one will not fulfill the command of his Superiour acknowledging him never thelesse to be his Superior. For if one upon a reasonable cause hath the Pope for a person suspected, and therefore doth not only refuse the Popes presence, but also his immediate iudgement or sentence, being readie to receive from him not suspected Iudges, hee neither incurreth the crime of Schisme, nor any other crime. For it is naturall to shunne hurtfull things, and to be warie of dangers. And the Popes person may govern tyrānitally, & so much the easier, by how much he is more potent, and feareth no revenger on earth. But when one refuseth to obey the Popes command or sentence in regard of his office, not acknowledging him to be his Superior, although he do beleive he is, then properly he is a Schismaticke. And according to this sense are to be understood the words of S. Thomas and such like, for even obstinate disobedience doth not make Schisme, vlesse it be a rebellion to the office of the Pope, or of the Church, so that he refuse to subiect himselfe unto him, to acknowledge him for Superior &c. Thus Card. Caietan.

22. Now what Authour euer said, that Sigebert refused to obey in this sort Pope Gregories command, or that he acknowledged Guibert the Antipape, and not Gregorie, to be the true and lawful Pope. True it is that Sigebert was blamed by some, as Trichemius^z relateth, for that he adhering to the Emperour Henry being a persecutour and rebell to the Romane Church, wrote letters and treatises against Pope Gregorie the seventh, which did not become his profession, but that Sigebert did depart from the vnitie of the Church, or that he refused

^z In verbis Sigebertus.

sed to obey and subiect himselfe to *Pope Gregorie*, as not acknowledging him to be his Superiour, which is necessarily required to make one a *Schismaticke*, or that he adhered to the *Emperour Henry* in his rebellion to the *Romane Church*, and in deposing *Gregorie*, and creating *Guibert Pope*, neither *D. Schutkenius*, nor any other is able to prooue out of any ancient or moderne writer.

23. True also it is, that *Sigebert* was of this opinion, that the *Pope* had no authoritie to depose the *Emperour*, and therein he opposed himselfe to *Pope Gregorie*, and answered, as hee saith, all his arguments with strong testimonies of the *Fathers*, and vpon this ground he adhered to the *Emperour*, acknowledging him to still remaine the true and lawfull *Emperour*, and refused to obey *Pope Gregories* command, wherein hee strictly ordained, that no man should account *Henry* the fourth to be true and lawfull *Emperour*: But considering that the doctrine for the *Popes* power to dethrone temporall Princes, and the practise thereof, was then new in the *Church of God*, and neuer heard of before, for which cause it was called by *Sigebert* a *noveltie*, not to say an *heresie*, and since that time there hath ever beene a great controuersie, saith *Azor*², concerning this point, betwixt *Emperours* and *Kings* on the one side, and the *Bishops* or *Popes* of *Rome* on the other, and the *Schoolemen* are at variance about the same, and as yet the *Iudge* hath not decided it, saith *Trithemius*, and very many *Doctours* are of opinion that the *Pope* hath no such authoritie, saith *Almainus*, and the *State of France* hath neuer maintained the same for certaine, saith *Pithens*, and the late practise of the *Parliament of Paris* (to omit all the authorities of our learned Countrey men) doth most clearly confirme the same, it is neither reason, nor conscience to charge *Sigebert* with *Schisme*, for impugning that new doctrine and practise, which was neuer heard of before in the *Church of God*. And therefore

a Tom. 2. lib.
II. cap. 5. q. 8.

therefore many complained, saith *Alex* in the same place, that *Gregorie the seventh* did deprive *Henry the fourth* of the administration of the Empire.

24 For although the Bishops of Rome, (saith *Onuphrius*, a man, as *Possuine* confesseth, of exceeding great reading, and whom *Paulus Manutius* calleth a denouer of Histories) were before honoured, as the heads of Christian Religion, and the Vicars of Christ, and the Successours of Peter, yet their authoritie was not extended any farther, then either in declaring or maintayning positions of faith. But yet they were subiect to the Emperours, all things were done at the Emperours becke, they were created by them, and the Pope of Rome durst not presume to indge, or decree any thing concerning them. *Gregorie the seventh*, the first of all the Bishops of Rome, being aided with the forces of the Northmans, trusting in the riches of Countesse *Mathildis*, a woman most potent in Italie, and being encouraged with the discord of the German Princes, who were at civil warre among themselves, contrarie to the custome of his ancestors, contemning the authoritie and power of the Emperour, when hee had gotten the Popedome, did presume, I doe not say, to excommunicate, but also to deprive the Emperour, by whom, if he was not chosen, he was at the least confirmed, of his Kingdome and Empire. A thing not heard of before that age. For the fables which are carried abroad of *Arcadius*, *Anastasius*, & *Leo Iconomachus*, I do nothing regard. Thus *Onuphrius*^b.

b Lib. 4. de
varia creat.
Rom: Pont.

25 Lastly, it is also true, that *Sigeberts* bookes in answer to the letters of Pope *Gregorie*, and Pope *Paschalis* are put in the Catalogue of forbidden bookes, but that they are forbidden or condemned by the Catholike Church, or the Catholike Romane Church, as *D. Schulckenius* affirmeth, vnlesse by the Catholike Church, or Catholike Romane Church bee vnderstand those few Cardinalls, and Diuines of Rome, who are appointed by the Pope for the examining, permitting and

and forbidding of bookes, (which were a very strange and open strict description of the *Catholike Church*) is altogether untrue. Neither is it knowne, for what cause those bookes of *Sigbert* are put in the Catalogue of forbidden bookes; as likewise two bookes of mine written especially against *Card: Bellarmine*, haue of late by a speciall decree of the aforesaid Cardinalls, and especially of *Card: Bellarmine*, who hath been pleased to be a *Judge, witnesse, and accuser* in his owne cause, been prohibited, and I vnder paine of Ecclesiasticall Censures commanded to purge my selfe forthwith, but the cause wherefore they are forbidden is not therein expressed, neither as yet haue they giuen me to vnderstand, of what crime either in particular, or in generall, I am to purge my selfe, although in my purgation written to his *Holinesse* long agoe, I haue most humbly and instantly desired it, and haue protested to bee most ready to purge my selfe of any crime whatsoever I shall know to haue committed, which their strange proceeding doth clearely argue, that they haue no small distrust in their cause, and that the doctrine for the Popes power to depose Princes is not so cleare a point of faith, as *Card: Bellarmine*, and his followers would haue the *Popes Holinesse* and the Christian world with out sufficient grounds to beleue.

26 Seeing therefore that there be many causes, wherefore bookes may be forbidden, and which in generall are reduced to these two heads, either that they are repugnant to faith, or else to good manners, which the late instructions for the correcting of bookes published by the commandement of *Pope Clement* the eight, do in so large, yet doubtfull a manner extend, that scarce any booke can be found which treateth of the Popes authoritie, but some *Corrections* or other may easily except against it, (as those bookes are to be corrected, which are against *Ecclesiasticall*

c The 24. of
Iune 1614.

libertie, immunitie, and Iurisdiction. so that if a *Catholick* be the *Corrector*, he will haue that blotted out, which denyeth the Popes direct power in temporalls, and that *Cleergie* are not exempted by the law of God and nature from the coerciue power of Princes &c.) vnlesse it can be proued, that *Sigeberts* bookes were put in the *Catalogue* of prohibited bookes, for that they impugned the doctrine for the Popes power to depose Princes, no good argument can be drawne from that *Catalogue*, to impeach *Sigeberts* credit for the impugning of that doctrine. Neither can *Card: Baronius*, nor *Card: Bellarmine* be excused from grieuous detraction, in charging *Sigebert*, who both in his life and after his death was accounted a learned, vertuous, and religious *Catholike*, with that execrable crime of *schisme*, for which at the day of iudgement they shall render an exact account, vnlesse they can proue, that he did separate himselfe from the vnitie of the Church, or disobey the Popes command, as not acknowledging him to be the true visible head of the Church, and the Successour of *S. Peter*.

27 I omit now to declare how *Catholikes* ought to carry themselves in times of *Schisme*, when more then one pretend to be the true and rightfull *Pope*, and whether those, who adhere to a false *Pope*, perswading themselves for probable reasons, that hee is the true and lawfull *Pope*, are to be condemned of *Schisme*, and to bee accounted formall *Schismatics*; concerning which question read *Iohn Gerson* in his *Treatise* thereof. This only at this present I will demand, that if to reiect the testimonie of *Sigebert*, or any such like *Author*, it be sufficient without any other prooffe, to say, as *M^r Fitzherbert* answereth, that they living in the time of the *Emperours* and *Kings* that were deposed, wrote partially in their fauour, why may it not with the same facilitie bee answered to the authorities of many others of the contrarie side, that they living in the time of

of the Popes, who tooke vpon them to depose Kings and Emperours (for this hath euer been a great controuersie, saith Azor, betwixt Kings and Emperours on the one side, and the Bishops of Rome on the other) wrote partially in their fauour? May not Popes haue their flatterers, and who doe attribute vnto them more ample authoritie, then is fitting, as of the Canonists Pope Pius the first affirmed to that learned Nannerre^d, as well as Kings and Emperours? See aboue cap: 3. nu. 6. what Parisiensis saith of this flattering.

20 Wherefore to make an end of these Authorities, I will onely request the iudicious Reader, that he will be pleased to consider these two things: first, the reasons which I brought both in my *Apologie*, and also in my *Theologicall Disputation*, which D. Schulckenius passeth ouer with silence, why there are to be found so few Authours at this present, whose writings are now extant, who deny the Popes authoritie to depose Princes in comparison of those, who doe maintaine the same, which being duely considered, the Reader will easily perceiue, that it is a great maruaile to finde in any Catholike booke any one sentence or clause, which seemeth any way to call in question this temporall authoritie of the Pope: and neuerthelesse there are at this present, and euer haue been, as I haue clearly shewed before, many vertuous and learned Catholikes, who notwithstanding all the clamours, and threatnings of our ouer-violent *Aduersaries*, are of this opinion, that the Pope hath no such authoritie to depriue Kings and Princes of their temporall dominions.

21 The second is, that if the doctrine of that learned Nannerre, an excellent Diuine, and most skilfull in the Law, (sayth Possenus) of Bartholomaeus Fumus in his *Aurea armilla*, of Gabriel Vasquez, and of other Diuines be true, that in the Court of conscience it be sufficient to this effect, that we shall commit no sinne, to choose

d in cap. Non
licet. 12. q. 2.
§. nu. 6.

e Num. 449.
f Cap. 3. sec. 3.
nu. 15. & seq.

g See the Pre-
face. nu. 40. 43.

his opinion for true, whom for good cause we thinke to be a man sufficiently learned, and of a good conscience, and that no man is bound to follow alwayes the better opinion, but it sufficeth to follow that opinion, which some skilfull Doctors thinke to be true: how much the more may our Catholike Countreymen prudently perswade themselves, that the Pope hath no authority to depose Princes, which doctrine not onely one learned, and vertuous man, but very many with the State of France do approve, and who also haue diligently read, examined, and abundantly answered all the reasons, arguments, and authorities, which their learned *Adversaries* have objected to the contrarie? And this I hope may suffice for the first part, and for clearing all those authorities, which I brought in my *Theological Dissputation* from all the exceptions, which *D. Schulckenius* hath taken against them. Now wee will examine the reasons, and intrinsecall grounds of this doctrine for the Popes power to depose Princes.

THE



THE SECOND PART

Wherein

ALL THE PRINCIPALL ARGV-
ments, which Card. Bellarmine bringeth to
proue the *union* and *subordination* of the tempo-
rall and spirituall power, together with the Re-
plies, which are brought, by D. Schulkenius to
confirm the same, are exactly examined.

Chap. I. *The true state of the question concerning
the union of the temporall and spiri-
tuall power is declared.*

BEcause my Aduerlarie Mr.
Fitzherbert, and all the
rest, who doe so vehе-
mently maintaine the
Popes power to depose
Princes, doe much rely
vpon the *union*, and *sub-
ordination* of the tempo-
rall power to the spiritu-
all, as vpon a principall prooffe grounded vpon the
light of reason, before I come to examine the particu-
lar points of his *Reply*, I thinke it not amisse for the
better vnderstanding of what shall be said hereafter
by either of vs concerning this *subordination*, or *union*,
to declare, in what sort these two powers are among

de Regat
in mnd. qm
de Regat

Christians united and subordained, and what a weak ground this subordination is to prove, that the Pope hath power to depose Princes, to dispose of temporalls, and to punish temporally by way of coercion or constraint. And to proceede orderly herein, and that the Reader may clearly perceiue, what is the true state of the question, betwixt me and Card. Bellarmine and not be caried away with a confuse concept of I know not what kinde of *union* and *subordination*, I will first set downe that which is certain, and out of question, and then what is in controuersie betweene vs concerning this *union* and *subordination*.

a Num. 132. &
seq. & nu. 150.
153. 154.

b Lib. 5. de
Rom. Pont. c. 6.

2. First therefore I agree with Card. Bellarmine in this, that the ciuill or temporall power of it *owne nature*, and being considered precisely by it selfe, is a distinct power from the spirituall, and no way subiect or subordained to it (as in my *Apologie* I affirmed out of Card. Bellarmine) but they are two seuerall, distinct, and disanited powers, and not depending one of the other, and haue distinct ends, distinct functions, distinct lawes, distinct punishments, distinct Magistrates and Princes. And this is very apparant partly in *infidell Countries*, where there is true ciuill or temporall power (saith Card. Bellarmine^b) without any order or reference to any true Ecclesiasticall or spirituall power: and partly in the time of the Apostles, who had true and perfect spirituall power without any true supreme temporall or ciuill authoritie. And from hence it followeth, that as the supreme spirituall Prince, or Pastour is subiect to none in spiritualls, so also the supreme temporall Prince is subiect to none in temporalls.

3. Secondly, we do also agree in this, that although among Christians the temporall, and spirituall power do still remaine two distinct supreme powers, for that the Mediator betwixt God and men Christ Iesus hath also by proper actions, and distinct dignities distinguished
either

either power, as Pope Nicholas the first doth well affirm, yet they are so vnited, and conioyned together among Christians; that temporall authoritie and spirituall authoritie, temporall subiection and spirituall subiection (to omit spirituall authoritie and temporall subiection) may be vnited and conioined, at one or diuerse times, in one and the selfe same Christian man: by reason of which vnion and coniunction the same Christian man may be both a temporall, and also a spirituall Prince, as we see in the Pope, who by the institution of Christ is the supreme spirituall Pastour of the Church, and by the consent of Christian Princes and people is become also a temporall Prince: the same Christian man may be both a temporall Prince, and also a spirituall subiect, as are all Christian Princes, who, as Princes, are supreme in temporalls, and as Christians, are subiect in spirituals to the spirituall Pastour of Christs Church; the same Christian man may bee both a temporall, and also a spirituall subiect, as are other Christians whatsoever, and whether the same man may be a spirituall Prince, and yet a temporall subiect, dependeth on that question, whether and in what manner our Saviour Christ hath exempted *Cleargie men*, and especially the Pope from subiection to temporall Princes. But the question betwixt me, and Card. Bellarmine is, whether this manner of vnion and coniunction of these two powers, or subiections in the same Christian man, be sufficient to make the whole Christian world to be formally one complete and totall body, or common wealth, consisting of spirituall and temporall power, whereof the Pope is the supreme visible head, or else, notwithstanding the foresaid vnion and coniunction, the temporall and spirituall common wealth among Christians doe still remaine formally two totall and complete bodies or common wealths, the one consisting

c In epst. ad
Michasem.
Imp. Cum ad
verum dist. 96.

consisting onely of spirituall, and the other onely of temporall power, although *materially*, and accidentally vnited in one subiect, in that manner as I haue now declared.

4. *Thirdly*, I doe also make no question, but that, as the world containing both Christians and infidels, and therefore consisting of spirituall and temporall power, may be called one complete, and totall body or kingdome, whereof God onely is the chiefe head and King, although in *the same* totall body or kingdome, but not of the same totall body or Kingdome, there be many supreme visible heads and Gouernours, and consequently being *supreme*, they doe not depend one of the other, in so much that neither the temporall power of *Infidell Princes* is subiect to the spirituall power of the *Pope*, nor the spirituall power of the *Pope* is subiect to the temporall power of *Infidell Princes*, but both of them are subiect immediately to God alone the inuisible head and King of them both, in regard of whom they make one totall body or kingdome, although the temporall power alone being compared to the visible heads on earth, doth actually make diuerse totall and complete earthly kingdomes: So also I make no question, but that the whole Christian world, consisting of temporall and spirituall power, being compared to Christ the inuisible head thereof, who, at least wise as he is God, is King of Kings, and Lord of Lords both temporall and spirituall, doth make one totall bodie, Kingdom, or Common-wealth, contayning in it both the earthly kingdomes of Christians, and the spirituall kingdome of Christ; neither of this can there in my iudgement be made any question.

5 But the question betwixt me and *Card: Bellarmine* is, whether the temporall & spirituall power among Christians, or the Christian world consisting of both powers, not as they are referred to Christ, who,

who, at least wise as he is God, is the invisible head of both powers (I say at least wise as he is God, for that it is a controuersie betwixt the Diuines and Canonists, whether Christ as man be only a spirituall, or also a temporall King) but as they haue relation to their visible heads here on earth, doe make one totall and compleat bodie, or common-wealth, consisting of temporall and spirituall power, whereof the *Pope* is the supreme visible head, and Christian Kings are not supreme, but depending on him not onely in spiritualls, but also in temporalls; or whether the temporall and spirituall power among Christians doe truly, properly, and formally make two entire and complete bodies, Kingdoms, or Common-wealths, to wit, the earthly kingdoms of this Christian world, consisting only of temporall power, whereof temporall Princes are the supreme visible heads, and therefore in temporalls subiect to no other visible head here on earth, and the spirituall kingdom and mysticall body of Christ, consisting onely of spirituall power, whereof the *Pope* onely is the supreme visible head, Prince, and Pastour, and consequently in spiritualls subiect to no other visible head or Superiour on earth. This is the true state of the question.

6 Concerning which question there is a great controuersie betwixt the Canonists, and Diuines. For the Canonists supposing Christ our Sauour to bee, not onely a spirituall, but also a temporall King, and to haue directly and properly both temporall and spirituall power, ouer the whole world, and that hee gaue this power to his Generall Vicar here on earth *S. Peter* and his Successors, doe consequently affirme, that the whole world, but especially which is Christian, consisting of spirituall and temporall power doth make one entire or totall body, whereof the *Pope*, being by the institution of *Christ* not onely a spirituall, but also a temporall Monarch, is the supreme

preme visible head, to whom all Princes, especially who are Christians, are subiect not only in spiritualls, but also in temporalls. But contrariwise the Diuines, who doe hold, that Christ as man, was not a temporall, but only a spirituall King, and although hee had directly both temporall and spirituall power, yet that he gaue to *S. Peter* and his Successors onely the keyes of the kingdome of heauen, and not of earthly kingdomes, and only spirituall not temporall authoritie, are consequently bound to maintaine that the temporall and spirituall power, as they are referred to the visible heads here on earth, doe not truly, properly, and formally make one totall and entire body, or kingdome, whereof the *Pope* is the supreme visible head, but two totall and entire bodies or kingdomes but vnited in subiect, as I declared before, to wit, earthly kingdomes, consisting only of temporall authoritie, whereof temporall Princes only are the supreme visible heads, and the spirituall kingdome, the mysticall body, or the Church of Christ, consisting only of spirituall power, whereof the *Pope* is the supreme visible head, Prince, and Pastour.

7 Now what is the opinion of Card: *Bellarmino* touching this point, for that he speaketh so contrarie to his owne principles, truly I can not tell. For although he adhereth to the Diuines, and impugnerh the Canonists, in that they hold the *Pope* to be not only a spirituall, but also a temporall Monarch of the world, and to haue directly power in temporalls, yet contrarie to this his doctrine, as you shall see in the next chapter, he doth in expresse words, whatsoeuer his meaning is, affirme, that the temporall and spirituall power doe make one totall and entire bodie, Familie, Cittie, Kingdome, or Common-wealth, whereof the *Pope* is the supreme visible head: yea he is so confident in this his assertion, that he feareth not to auerre, ^dthat it is against the Catholike faith to say,

say, that the Ecclesiasticall and ciuill power are not parts of one and the same Common-wealth, but that they make altogether two common-wealths, vnlesse this distinction and explication be added, to wit, that the Ecclesiasticall and ciuill power doe make one totall common-wealth (which afterwards he calleth, the familie, cittie, Kingdome, mysticall bodie, and Church of Christ) and two partiall, which are indeed distinct by acts, offices, dignities, and ends, but connected betweene themselves, and one subordained to the other. But how weakely and contrarie to his owne principles Card: Bellarmine proueth this vnion and subordination of the temporall and spirituall power, you shall forthwith perceiue.

c Cap. 7. p. 287.
& pag. 340.

Chap. 2. *Wherein the argument of Card. Bellarmine taken from the authoritie of S. Paul Rom. 12. wee being many are one body in Christ, is examined.*

1. **A**ND to begin first with the vnion, Card. Bellarmine bringeth two arguments to proue, that the ciuill and spirituall power doe make one bodie or common-wealth among Christians. The first is taken from the authoritie of S. Paul Rom: 12. and 1 Cor: 12. where hee affirmeth, that wee being many are one body in Christ: from whence Card: Bellarmine concludeth, ^a that Kings and Bishops, Clerkes and Laikes doe not make two common-wealths, but one, to wit, the Church.

a Lib. 5. de Rom.
Pont: cap. 7.

b Num: 83.
89. 166.

2 To this argument I answered in my ^b Apologie, that the meaning of S. Paul in those places is, that all Christians, both Kings and Bishops, Clerkes and Laikes, as they are by Baptisme regenerate in Christ, doe truly, properly, and formally make one bodie, one house, one cittie, one communitie or common-wealth,

c Lib. 3. de Ec-
clesia cap. 2.

wealth, to wit, the spirituall kingdome, the mysticall body, or the Church of Christ, which Card. Bellarmine defineth to be, a compaie of men united together by the profession of the same Christian faith and Communion of the same Sacraments under the government of lawfull Pastours, and especially of one Romane Bishop Christ his Vicar in earth. But S. Paul doth not say, that the temporall and spirituall power doe make one onely bodie, communitie or common-wealth, and not also two, or that Kings and Bishops, Clerkes and Laikes, not considered as Christians or regenerate in Christ by baptisme, but as by their naturall birth or ciuill conuersation they are subiect to temporal Princes, which subiection Baptisme doth not take away, doe not also truely, properly and formally make also another politike bodie, another citie, another communitie or common-wealth, to wit, the earthly Kingdomes of the Christian world.

3. Wherefore it is not true, that Kings and Bishops, Clearkes and Laikes considered diuerse waies do not make diuerse kingdoms or common-wealths, but one onely, as Card. Bellarmine concludeth out of S. Paul? for as by Baptisme they are regenerate in Christ, and subiect in spirituals to Christ his vicegerent in earth, they make one body, or common-wealth, which is the spirituall kingdome and Church of Christ, and this onely doth signifie S. Paul by those words, *we being many are one body in Christ*, but S. Paul doth not denie, that all Christians, as by their naturall birth or ciuill conuersation they are subiect to Secular Princes in temporall causes, which subiection Baptisme doth not take away, doe also truely, properly and formally make another body or common-wealth, which are the earthly kingdomes of the Christian world. Cleargie men, saith Card. Bellarmine himselfe, ^d besides that they are Cleargie men, are also citizens and certaine parts of the ciuill common-wealth, and
again,

d Lib. de Cle-
ricis cap. 23.

again, ^e if one, saith he, consider the companie of Laymen, not as they are Christians, but as they are Citizens, or after any other manner, that companie cannot bee called the Church, and consequently they must bee another common-wealth, and therefore the ciuill and Ecclesiasticall power, or Clerkes or Laikes, in whom the Ecclesiasticall and ciuill power doe reside, being considered diuerse waies, doe not truely, properly and formally make one only body, but two distinct & seuerall bodies or common-wealths, although materially and accidentally vnited in that maner as I declared before, ^f and presently will declare more at large.

4. And whereas Card. Bellarmine affirmeth, that although the temporall and spirituall power doe make two partiall common-wealths, yet they doe also make one entire and totall common-wealth, which is the Church of Christ, whereof the Pope is the supreme visible head, and to affirme the contrary, is, saith he, against the Catholike faith, hee doth heerein both speake contrarie to his owne principles, and to that which hee knoweth to bee the Catholike faith, and hee must also of necessitie fall into the Canonists opinion, which he before pretended to confute concerning the Popes spirituall and temporall Monarchie over the whole Christian world. For if the Church of Christ be one totall body or common-wealth compounded of Ecclesiasticall and ciuill power, as a man is compounded of soule and body (for this is that similitude which so much pleaseth Card. Bellarmine, and is therefore so often inculcated by him) it must necessarily follow, that the Pope as Pope, in whom, according to his other grounds, all the power of the Church doth reside, must haue truely, properly, and formally both temporall and Ecclesiasticall power, as a man who is compounded of soule and bodie, hath truely, properly and formally in him both the soule and bodie, and all the powers and faculties

c Ibid. cap. 30.

f Cap. 1. n. 3.

g Lib. 5. de Ro. Pont. a cap. 2.

culties of them both : And what else is this, I pray you, then to maintaine with the Canonists, that the Pope as Pope is both a temporall and spirituall Monarch, and that hee hath truely, properly and formally both ciuill and spirituall authority : And yet Card. Bellarmine in other places doth expressely affirme, that the Pope as Pope hath onely spirituall and not temporall power.

h In his book
against D.
Barclay ca. 12.
pag. 137.

5 The Divines, saith he, ^h doe giue to the Pope temporall and spirituall power onely in the Dominions of the Church, which power in the patrimonie of S. Peter Pope Innocent in cap. per venerabilem doth call a full power ; ouer other Christian Prouinces they doe giue to the Pope onely a spirituall power, which of it selfe and properly doth regard spirituall things, but temporall things it doth regard as they are subordained to spirituall. And therefore when we speake properly, we say that the Pope hath power in temporals, but not that he hath temporall power, as he is Pope. Now how these two can stand together, that the spirituall and temporall power among Christians doe make one entire and totall body, whereof the Pope is the supreme visible head, as the body and soule doe make one man, and yet that the Pope, as Pope, shall haue no temporall power, which in it selfe is temporall, but onely spirituall, although in some cases extended to temporall things, seeing that these two powers doe truely compose the Church of Christ, and consequently both of them are truly and really in the Church which they compound, and so likewise in the Pope, in whom all the power of the Church doth reside, I remit to the iudgement of any sensible man.

5. Besides what a more flat contradiction can there be, then this, to say, that the ciuill and spirituall power among Christians doe compound indeede two partall, but one entire and totall common-wealth, which is the Church of Christ, or Christian common-wealth, as hee beere affirmeth, ⁱ and withall, that the Church of Christ

i In his Scholastic
henius cap. 5.
pag. 195.

or the Christian common-wealth is compounded onely of spirituall authoritie, as a little beneath hee affirmeth in these words: *That which my Adversarie Widdrington saith, that the mysticall bodie, Church, or Christian common-wealth is compounded of spirituall authority alone, is true in this sense, that to compound the Christian common-wealth there is not necessary a power, which is formally ciuill, but yet there is necessarie a power, which is so formally spirituall, that it is also virtually ciuill &c.* For how can the Church of Christ be compounded of ciuill and spirituall power, which are formally two distinct powers, and yet the Church not haue power which is formally ciuill, but onely spirituall? Neuerthelesse I doe not intend to denie, that the spirituall or Ecclesiasticall power among Christians may in this sense be called virtually ciuill or temporall, because it may for the spirituall good command, and compell spirituallly temporall Princes to vse their temporall power, for this were onely to contend about words, but that the Church of Christ, whereof the Pope is head, is truly, properly and formally compounded of ciuill and spirituall power, this I say is both vnttrue, and also flat contrarie to Card. Bellarmine's own grounds; but whether the spiritual power of the church may be called virtually ciuill or temporall, for that it may also constraîne and punish temporall Princes temporally, or vse temporall and ciuill authoritie, in case the temporall Prince for the spirituall good will not vse it, this is the maine question betwixt mee and Card. Bellarmine.

7. To conclude therefore, this answere I doe freely grant: that *Kings and Bishops, Clerks and Laicks*, as by baptisme they are regenerate in Christ, doe truly, properly, and formally, make one entire and totall body, which is the spirituall kingdome, and Church of Christ, whereof the Pope is the supreme visible head: but I vtterly deny, that this spirituall kingdome,

d In his
Schulckenius
cap. 5. p. 203.

kingdome, or Church of Christ is compounded of spirituall and temporall, but onely of spirituall, or Ecclesiasticall power: or that *Clearks* and *Laicks*, as they are citizens, or by their naturall birth are subiect in temporall affaires to temporall Princes doe compound this Church of *Christ*, but onely the earthly kingdomes of the Christian world, which are onely compounded of ciuill and temporall authority. In which Christian world, or Christian common-wealth, (taking them for an *aggregatum per accidens*, including both the spirituall kingdome of *Christ*, whereof the *Pope* is head, and also earthly kingdomes, whereof Christian Princes are the onely visible heads, for the *Church* of *Christ* is seldome times taken in this sense) there is but one totall or intire Catholike Church: yet there be many intire temporall kingdomes or common-wealths, as of English, French, Spanish, which haue their seuerall Princes, Lawes, and gouernments, and haue no other communion then in friendship and amitie: Yea, & the Catholike Church is one totall body, or common-wealth in Christian and Infidell kingdomes. And also in one particular Christian kingdome there be two distinct totall bodies, or common-wealths, to wit, the temporall, consisting of ciuill power, and the Ecclesiasticall, consisting of spirituall: wherein as there bee two distinct communions, the one spirituall in things belonging to grace, and the other temporall in things belonging to nature. So also their betwo excommunications, the one in spirituals, wherein those that be excommunicated by the Church, doe not participate, and the other in temporalls; whereof those, who be excommunicated, or made out-lawes by temporall Princes, are not partakers; in so much that they, who are deprived of one of these communions, are not thereby deprived of the other, for an out-law may be a member of the Church, and be partaker of spirituall communion:

munion: and he, who by Excommunication is deprived of Ecclesiasticall communion, may bee a member of the ciuill common-wealth, as Heathens and Publicans were, and not therefore to be excluded from ciuill societie and conuersation.

8. Wherefore although the temporall and spirituall power among Christians, as they are referred to the visible heads thereof, doetruely, properly, and formally make diuerse totall bodies, or common-wealths, which neuerthelesse ought both to conspire in league & friendship, to bring both Princes and subiects to life euerlasting: yet they are not like to two confederate Cities or Kingdomes, which are onely vnited in league and amity, and haue no ciuill communion one with the other, neither is the same man a citizen of both Cities, or a subiect of both Kingdomes; but the temporall and spirituall power are so vnited among Christians, that the same man, who by ciuill conuersation, or naturall birth is a citizen, part, and member of the temporall City, Kingdome, or Common-wealth, and consequently subiect to her Lawes, is also by baptisme or spirituall regeneration made a citizen, part, or member of the spirituall Citie, Kingdome, or Common-wealth, which is the Church of Christ, and consequently is also subiect to her Lawes. So that although the vnion, and communion of earthly Kingdomes, and the spirituall kingdome of *Christ* bee greater among Christians, then of two confederate Cities or temporall kingdomes, yet this vnion and communion being onely material, accidentall, and in subiect (as Musicke and Physicke are vnited in one man, by reason whereof the same man is both a Musician and a Physician, and consequently subiect to the precepts and directions of either art) is not sufficient to cause them to make truely properly, and formally one totall body, kingdome, or common-wealth, whereof the Pope

1 cap. I. m. 4.

is head: as neither the vnion of two accidents in one subject is sufficient to cause them to make truly, properly, and formally, one entire & totall accidentall. copound. Neuerthelesse I do not deny, as I obserued before: but that the temporall & spiritual power, earthly kingdomes, and the spiritual kingdome of *Christ*, as they are referred to *Christ*: who, at leastwise as God, is the head of them both, doe make one totall body, whereof *Christ* onely is the head, which may be called the Christian world, consisting of ciuill and spirituall power: but in this manner neither the Pope nor temporall Princes are the head, but onely parts and members of this totall body, as beneath^m I will declare more at large.

Chap. 3. *Wherein the authoritie of S. Gregorie Nazianzen, comparing the temporall and spirituall power to the body and soule in man, is declared.*

1. **T**He second argument, which Card. Bellarmine bringeth to proue, that the ciuill and spirituall power among Christians doe make one totall body, or common-wealth, is taken from the authority of S. Gregory Nazianzene, who compareth the spirituall and temporall power among Christians to the soule and body of man. From which similitude Card. Bellarmine argueth in this manner^a. *These two powers in the Church, saith hee, are like to the spirit and body in a man. For the body & the spirit are as it were two common-wealths, which may be found diuided and united. The body is found without the spirit in beasts, the spirit is found without the body in Angels, the body and spirit are both united in man, and doe make one person. So likewise, the ciuill and spirituall power are sometimes found diuided, as long since in the Apostles time, sometimes united as now,*
and

^a Lib. 5. de
Rem. Pont. c. 6.

and when they are united they make one body, or common wealth.

2. To this argument I answered in my *Apologie*⁶, that from the words of *S. Gregorie Nazianzene* onely these two things can be gathered. The first, that the spirituall power is more worthy, and more noble then the temporall, and that therefore the temporall must in worthinesse yeeld and giue place to the spirituall. The second is, that Christian Princes, although in temporalls, and in things belonging to ciuill gouernment they are supreme on earth, and therefore subiect to none, yet in that they are Christians, they are subiect in spiritualls, and in things belonging to Christian Religion to the command of spirituall Pastours of the flocke of *Christ*. For these bee the expresse wordes, which he vsed to the Christian President: *For the law of Christ doth make you also subiect to my power and authoritie, for we also haue authoritie to command, I add also, a more noble, and more perfect, vnesse it be meete, that the spirit do submit her power to the flesh, and heavenly things doe giue place to earthly.* From which words this onely can be inferred, that the spirituall power is more noble, then the temporall, and that all Christian Princes and Magistrates, as they are the sheepe of *Christ*, are in spirituall things subiect to the spirituall Pastours of the Church, which all Catholikes will freely grant. But that the temporall and spirituall power among Christians, as they are referred to the supreme visible heads here on earth, do make one totall body or common wealth, as the soule and body do make one man, or that the temporall power among Christians, as it is temporall (for this much doth signifie the temporall and spirituall power taking them *in abstracto*) or which is all one, that temporall Princes are in meere temporall causes subiect to spirituall Pastours, cannot with any shew of probabilitie bee gathered out of those words of *S. Gregorie Nazianzene*.

3. Wherefore the vnion of the temporall and spirituall power among Christians is nothing like to the vnion of the body and soule in man, for that the body is a substantiall matter, and the soule a substantiall forme, and therefore being vnited they make one substantiall compound, which is called man, who therefore hath in him actually, properly, and formally both body and soule, as euery compound hath in him the parts, whereof it is compounded, but the ciuill and spirituall power are not among Christians vnited, as two parts, compounding really and actually one totall body, which is the Church of *Christ*, whereof the *Pope* is head, for that, according to Card. *Bellarmines* owne doctrine, the Church of *Christ*, whereof the *Pope* is head, is compounded only of spirituall power, and not of ciuill power, as ciuill is distinguished from spirituall, but ciuill and spirituall power, ciuill power and spirituall subiection, ciuill subiection and spirituall subiection, (to omit now spirituall power and ciuill subiection) are only vnited among Christians, as two accidents, for example, Musike and Phisike, are vnited in one man, which vnion, being only accidentall, and in subiect, is not sufficient to cause the temporall and spirituall power to make truly, properly and formally one body, whereof the *Pope* is head, but only to make the same man, either to haue in him both temporall and spirituall power, or temporall power, and spirituall subiection, or both temporall subiection and spirituall subiection, (to omit now spirituall power and temporall subiection) and consequently, the same man to bee guided, directed, and gouerned in temporall things by the lawes, precepts and directions of the temporall power, and in spirituall things by the lawes, precepts, and directions of the spirituall power: As the vnion of Musike and Phisike in one man, although it be only materiall, accidentall, and in subiect, yet it maketh the same man to be both

both a Musician, and a Physician, and as he is a Musician, to be guided and directed by the lawes and precepts of Musicke, and as a Physician by the rules & precepts of phisike, but it doth not make Musike to be guided and directed by Phisike, or a Mulicion, as he is a Musician, to be guided and directed by a Physician, as he is a Physician: So likewise the foresaid vnion of temporall and spirituall power, of temporall power and spirituall subiection &c. in one man, doth not make the temporall power to be subiect to the spirituall, or a temporall Prince, as hee is a temporall Prince, or which is all one, in temporall causes, to be guided, directed, and gouerned by the spirituall power, as it is spirituall: But of this similitude of the soule and body wee shall haue occasion to treat againe beneath.

c Cap. 8.

4. Pardon me, good Reader, that sometimes I repeat the same things somewhat often; it is not to make my booke the bigger, and to fill it vp with idle repetitions of the same things, as my *Aduersaries*, to disgrace me, are pleased to lay to my charge, not considering that they themselves do often times commit the like, but it is onely to cleere thy vnderstanding, and to make thee thoroughly comprehend the difficultie, and in what manner the temporall and spirituall power are vnited and subordained among Christians, considering that my *Aduersaries*, to prooue the *Popes* power to depose Princes, to dispose of all temporalls, and to punish temporally by way of constraint, doe so often inculcate this vnion and subordination, as a principall ground, whereon the *Popes* power in temporalls doth depend. And thus you haue seene, how weakly Card. *Bellarmino*, and disagreeably to his owne principles, hath laboured to proue, that the temporall and spirituall power among Christians doe make one totall body, or common wealth, whereof the *Pope* is head: now you shall see,

how

how weakly also, and not conformably to his owne doctrine, he endeauoureth to proue, that the temporall power among Christians is subiect and subordained to the spirituall.

Chap. 4. *Wherein the true state of the question, concerning the subiection and subordination of the temporall power among Christians to the spirituall is propounded, and the different opinions of Catholikes touching this point are rehearsed.*

I. **F**irst therefore, that you may perceiue the true state of the question, and wherein I doe agree with *Card: Bellarmine*, and wherein we differ, I doe agree with him in this, that Christian Princes, in whom the supreme temporall power doth reside, being the sheepe of Christ, no lesse then inferiour persons, are subiect to the supreme visible Pastour of the Church of Christ: but the question is, in what things, and also in what manner they are subiect. *Secondly*, we also agree in this, that Christian Princes are in spirituall things, or which doe belong to Christian faith and Religion, subiect not onely to the directiue, or commanding power, but also in spirituall punishments to the coerciue or punishing power of spirituall Pastors, in such sort, that Christian Princes are not onely bound to obey the command of their spirituall Pastors, in things which doe concerne Christian faith and religion, but also, if they be disobedient, they may with spirituall punishments be punished and compelled therevnto. *Thirdly*, we doe also agree in this, that Christian Princes are bound to obey the commanding power of spirituall Pastours, not only in thole things, which of their owne nature are

Ecclesiasticall or spirituall, but also in things temporall, when *by accident* they become spirituall; in so much that a spirituall Pastor hath authoritie to command a temporall Prince to vse or not vse his temporall power, when it is necessarie or hurtfull to Catholike faith and religion, but this is nothing else, then that temporall Princes in things spirituall (for whether they be *per se*, and of *their owne nature*, or onely *by accident* spirituall, it little importeth) are subiect to the commanding power of spirituall Pastors, as likewise all temporall causes and crimes, whether of *their owne nature*, or onely *by accident* they become temporall, are subiect to the commanding and coerciue power of temporall Princes.

2 But the controuersie betwixt me and Card: Bellarmine is concerning two things; the first is, concerning the commanding power, to wit, whether temporall Princes are subiect to the commanding power of spirituall Pastors, not onely in things spirituall, and in temporall, when they become spirituall, but also in meere temporall things; for this is properly temporall power (taking temporall power in *abstracto*) to be subiect to the spirituall. For as a *Musician* can not truly be said to be subiect, as he is a *Musician*, and in all things belonging to Musicke, to a *Physition* as he is a *Physition*, for that Musicke is not *per se*, and of it owne nature referred to Physicke, and if Musicke were *per se*, and of it owne nature subiect to Physicke, a *Musician*, as he is a *Musician*, and in all things belonging to Musicke, should be subiect to a *Physician*, as he is a *Physician*: for which cause a *Shipwright*, as he is a *Shipwright*, hath intrinsecall reference to a *Nauiator*, for that the Art of making ships is *per se*, and of it owne nature ordayned for nauigation; So also if the temporall power among Christians be *per se*, and of it owne nature subiect to the spirituall power, it must follow, that temporall Princes,

Princes, who are Christians, are, as they are temporall Princes, and in all things belonging to temporall power, subiect to spirituall Pastours, as they are spirituall Pastours: And if temporall Princes, who be Christians, are not subiect, as they are temporall Princes, to spirituall Pastors, as they are spirituall Pastors, the temporall power among Christians is not *per se*, and of it owne nature subiect to the spirituall power.

3 The *second* thing, which is in controuersie betwixt me, and *Card. Bellarmine*, is concerning the *coercive* power of spirituall Pastors, to wit, whether temporall Princes are subiect to the coercive power of spirituall Pastors in such sort, that spirituall Pastors, (especially the *Pope*, who is the supreme *Pastour* of all Christians) haue by the institution of *Christ* authoritie, to deprive temporall *Princes* of their Kingdomes, to dispose of all their temporalls, and to punish them temporally, or with all kinde of temporall punishments, in case they will not obey their iust command. And this is the maine point, and principall scope, at which both the Canonists, who hold that the *Pope* hath directly power in temporals *in habit*, although *the use* they haue committed to temporall *Princes*, and also the Diuines, who hold that hee hath onely indirectly, that is, in order to spirituall good, power in temporalls, doe chiefly aime. Now concerning these two points, there be three different opinions of Catholikes.

4 The *first* opinion is of the Canonists, who holding, that the Church of *Christ*, whereof the *Pope* is the supreme visible head, doth consist both of temporall and spirituall power, doe consequently hold, that all Christian Princes, not only as they are Christians, but also as they are temporall Princes, are in all temporall causes subiect to the *commanding* power, and in all temporall punishments subiect also to the

coercive

coercive power of the *Pope*, whom they make the supreme, both temporall and spirituall Monarch of the world, and to haue directly both temporall and spirituall power, although the vse, exercise, and execution of his temporall power, he hath out of the territories of the Church, committed to Secular Princes, as to his *Vice-Royes*, *Viceregents*, or *Deputies*: and this doctrine some Lawyers held to be so certaine, that they were not afraid to condemne the contrarie as *hereticall*, for which they are worthily taxed by *Covernias*^a of great temeritie; But with this opinion, for that it is commonly reiecte^d by all Diuines, and confuted also by *Card: Bellarmine* himselfe^e, I will not at this time intermeddle.

5 The *second* opinion is of many Schoole-Diuines especially of these later times, who although they seeme greatly to mislike the Canonists opinion, in that the Canonists hold the *Pope*, as *Pope*, to haue directly, not only spirituall, but also temporall power, and to be both a temporall Monarch, and also a spirituall Prince and Pastour of the whole Christian world, yet in effect they doe giue as full and ample authoritie to the *Pope* ouer Christian Princes, as the Canonists do; for whatsoever the Canonists affirme, that the *Pope* can directly effect by his temporall power, the same doe the Diuines affirme, that he can effect indirectly, and in order to spirituall good by his spirituall power: And therefore, although they will not grant, that the *Pope* hath *formally* temporall power, but only spirituall, yet they grant, that this spirituall power of the *Pope* is *virtually*, and in effect temporall; and that therefore the *Pope* by his spirituall power can in order to spirituall good deprive temporall Princes of their kingdomes, dispose of all their temporalls, punish them with all kinde of temporall punishments, and finally whatsoever temporall Princes can by their temporall power doe for the

A a

tem.

^d In *Regula*,
peccati. 2. part.
Relect. §. 9.

num. 7.

^e Lib. 5. de
Rom. Pont.

a cap. 2.

temporall good, they affirme that the *Pope* by his spirituall power can doe for the spirituall good. Yea some of them doe so extend this spirituall good and spirituall harme, taking spirituall harme, not only for spirituall crimes, as *heresie*, *Apostacie*, and such like, but also for all temporall crimes, as are *drunkennesse*, *fornication*, and the like, that they giue a more ample power to the *Pope*, to depriue Princes of their kingdomes, then by temporall lawes is vsually granted to temporall Princes to depriue their subiects of their lands, who for whoredome, drunkennesse, and many other temporall crimes, can not vsually by the lawes of any Christian kingdome bee depriued of their lands and possessions.

f Part. 1. per
notum.

6. The *third* opinion is of many other learned Catholikes both Diuines and Lawyers whom I cited before, f who although they agree with the second opinion in this, that the *Pope* hath power to command temporall Princes in spirituals, but not in meere temporals, and to punish them with spirituall punishments, when they refuse to obey his iust command, yet that the *Pope* hath any *coercive* power (call it spirituall or temporall, for in effect it is truly temporall) to inflict temporall punishments, to dispose of temporals for the spirituall good, or to depriue temporall Princes of their temporall dominions, they vtterly denie, affirming, that onely Excommunication, or some such like spirituall punishment, is the last, to which the *Popes* *coercive* power can extend: And this their doctrine, which Card. *Bellarmino*, and some few others of his *Society*, haue presumed to condemne as altogether *improbable*, yea and wholly repugnant to *Catholike faith*, I haue taken vpon me to maintaine, as neither repugnant to Catholike faith or religion, nor preiudiciall to eternall saluation, and that therefore it may be defended by any Catholike without any note of *heresie*, *error* or *temerity*.

7. These bee the different opinions of Catholikes concerning the subiection of the temporall power to the spirituall, wherby you see, that although all Catholikes doe grant, that temporall Princes, who are sometimes called temporall powers, are subiect to the spirituall Pastour in things spirituall, and in temporall when they become spirituall, yet all doe not grant, that the temporall power it selfe, euen among Christians, is *per se*, and of it owne nature subiect to the spirituall, nor that the *Pope*, as *Pope*, hath any *coercive* power to constraine and punish with temporall punishments, but onely with spirituall; Neither doth it follow, that because Christian Princes are subiect to the *Pope*, therefore they are subiect in all things, and in all manner of subiection, but onely in that sort, as *Christ* hath given him power both to command & punish: As children are subiect to their Parents, seruants to their Masters, wiues to their husbands, yet they are not bound to obey them, but in those things, wherein they haue power to command, nor to be punished by them, but in that sort, as the temporall common-wealth, whereof they are members, hath expressely or couertly given them leave to punish; and the reason is, for that they are not *Superiours* in an absolute and indefinite, but onely in a limited and determinate manner.

8. Now what opinion Card. *Bellarmino* doth follow, whether of the Diuines, or of the Canonists, truly I cannot as yet well vnderstand. For although he seeme to disallow the Canonists doctrine, which at large he confuteth in his controuersies, yet to prooue the *Popes* power to depose Princes, and to dispose of temporals in order to spirituall good, hee laieth such grounds, concerning the vnion and subordination of the temporall and spirituall power among Christians, which doe cleerely confirme the Canonists doctrine. For concerning the vnion of these two powers, hee

affirmeth,

affirmeth, as you haue seene, that the temporall and spirituall power, the kingdome of *Christ*, and the kingdomes of this world, when they are Christian, doe make one totall body, which is the Christian common-wealth and Church of *Christ*, whereof the *Pope* is head; from whence it necessarily followeth, that the *Pope*, in whom all the power of the Church doth reside, must haue truely, properly and formally both ciuill and spirituall power, which is the Canonists opinion, and not onely spirituall power, which is not *formally*, but onely *virtually* ciuill, which the Diuines, and also Card. *Bellarmino* in places doe affirme. And now concerning the subiection and subordination of these two powers, he affirmeth, that the temporall power among Christians, not onely as it is Christian, but also as it is temporall, is subiect to the Ecclesiasticall, as it is Ecclesiasticall, or which is all one, that the temporall power it selfe among Christians is *per se*, and of it owne nature subiect to the spirituall: from whence it cleerely followeth as before I shewed by the examples of Musike and Physike, Christian Princes not onely in spirituals and in temporals, when they become spirituals, which is in order to spirituall good, but also in meere temporall causes, are subiect to spirituall Pastours, which is the Canonists opinion, and which Card. *Bellarmino* in other places doth disprooue.

9. But how vnfoundly Card. *Bellarmino*, and not conformably to his owne grounds laboreth to proue, that the temporall power it selfe among Christians, as it is temporall, is subiect to the spirituall, as it is spirituall, you shall anone perceiue. For six principall arguments I doe finde in Card. *Bellarmino*, by which he endeauoureth to conuince, that the temporal power it selfe among Christians, as it is temporall, is subiect and subordained to the spirituall, as it is spirituall, or, which I take for all one, that the temporall power among

among Christians is *per se*, and of it owne nature, supposing the institution of *Christ*, subiect and subordained to the spirituall; which arguments of *Card. Bellarmine* I thinke it fit to examine in this place, together with the Replies, which he either in his booke against *D. Barclay*, or in his *Schulckenius* against mee hath brought to confirme the same, that thereby the Reader may fully vnderstand, in what manner the temporall power is subiect to the spirituall, and how strong or weake a prooffe is the subiection or subordination of these two powers, which is by *M^r. Fuzherbert* supposed to be so inuincible a ground, to conclude from thence, that the *Pope*, as *Pope*, hath power, in order to spirituall good, to dispose of all temporalls, to depose temporall Princes, and to punish by way of coercion with all kinde of temporall punishments.

Chap. 5. *Wherein is examined Card. Bellarmine's first argument taken from the ends of the temporall and spirituall power.*

1. **T**He first argument, which *Card. Bellarmine* affirmeth^a to demonstrate, that the temporall power among Christians, not only as it is Christian, but also as it is civil, or temporall, is subiect to the Ecclesiasticall, as it is Ecclesiasticall, is taken from the ends of both the powers. For a temporall end, saith he, is subordained to a spirituall end, as it is manifest, because temporall felicitie is not absolutely the last end, and therefore it ought to be referred to eternall felicitie: but it is apparant out of *Aristotle*, 1 *Ethic*. cap. 1. that faculties, or powers are so subordained, as their ends are subordained.

2. To this argument I answered in my *Apologie*^b, that not euery temporall end is *per se*, and of it owne nature ordained, or subordained to a spirituall end

^a Lib. 5. de Rom Pont. c. 7.

^b Num. 162. seq.

(speaking of create ends, and not of God almighty, who is the beginning and end of all things) but
 it is only by accident, or accidentally by man, who
 worketh for an end, ordained to a spirituall end.
 And therefore although temporall good, or felicity
 be not absolutely the last end of man, yet it is the
 last end of the temporall power it selfe, which is in
 man. For euery power, as it is a power, hath for
 her last end, her act or worke, as euery science hath
 of it owne nature for her last end the knowledge of
 her object, and euery art the effecting of her work,
 (as the last end of naturall philosophie is to know
 the secrets of nature, and of Physike to cure and pre-
 serue the body from diseases) although man him-
 selfe, in whom that power, art, or science doth re-
 side, doth intend a farther end. Whereupon S. An-
 stin doth well affirme, *that the will to see hath no other
 end then seeing: The will, saith he, to see hath seeing
 for her end, and the will to see this thing hath for her end
 the seeing of this thing: The will therefore to see a skarre
 doth desire her end, that is, the seeing of a skarre, and no
 further doth appertaine to her.* Wherefore, as the
 Philosophers do distinguish betwixt the last end of
 any art or worke, and the last end of the artificer, or
 worker, so we also ought to distinguish betwixt the
 last end of the power it selfe, and of him, in whom
 the power doth reside. It is called the last end of the
 worke, for that the worke is in that lastly ended,
 and not the last end of the worker, for that the wor-
 ker doth not referre all that is his to that end, as a
 thing to be desired and loued aboue all things.

3. I grant therefore that the end of a Christian
 Prince, who hath temporall power, is spirituall and
 eternall felicitie, to which Christians ought to refer
 all their actions, and the vse not only of the Eccle-
 siasticall, but also of the ciuill power, but withall I
 affirme, that the last end, which the ciuill power hath

c Lib. II. de
 Trin. cap. 6.

per

per se, and of it owne nature, is only temporall peace
and quietnesse, in the getting and conseruing where-
of of it owne nature it doth lastly rest. And there-
fore for this reason it is not necessary, that the ciuill
power it selfe be per se, and of it owne nature subor-
dained to the Ecclesiasticall, but onely accidentally
and by the intention of him, who referreth tempo-
rall peace to eternall felicitie in that maner as I have
declared. To that assertion of Aristotle, powers
are so subordained as their ends are subordained (al-
though in that place hee rather saith, that ends are
subordained, as powers are subordained) I answer-
ed, that it is to be vnderstood of those ends, which
powers haue of their owne nature, and not of the
ends of the men, in whom the powers doe reside.
Thus I answered in my Apologie.

4. Now you shall see how insufficiently Card. Bel-
larmino in his Schulckenius replyeth to this answer. I
answere saith he, that not euery temporall or corporall end
is subordained per se, and of it owne nature to a spiritual
end, my Aduersary Widdrington doth say, but hee doth
not proue. But first, who knoweth not, that it doth not
appertaine to the Answerer to proue, for to this the op-
ponent only is tyed, and for the Answerer it sufficeth
by granting, denying, or distinguishing for him to
answere.

5. Secondly, I did not conceiue, that this asserti-
on, being so cleere and manifest of it selfe, needed a-
ny prooffe at all, and therefore I little thought, that a-
ny learned man would euer deny the same: for that,
according to the knowne principles of Philosophy
and Diuinitie, no naturall thing can intrinsically, and
of it own nature be referred to a thing, which is super-
naturall and aboue the course of nature; and there-
fore betwixt naturall and supernaturall things, there
can be no naturall subordination. Now that tempo-
rall peace in a temporall common-wealth is a naturall
thing

d Pag. 329.
ad num. 162.

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thing, and eternall felicity, which consisteth in the cleere vision and fruition of almighty God, is supernaturall, and goeth beyond the bounds, limits, and order of nature, no man can make any doubt; and therefore temporall peace cannot of it owne nature be referred to eternall felicity, but onely by the will and intention of man, who by the helpe of supernaturall light and grace doth referre it, direct it, and eleuate it to that supernaturall end.

6. And for this cause also it is very cleere, that temporall power cannot of it owne nature bee referred to true spirituall and Ecclesiasticall power, for that it is supernatural, and given onely by God, as he is the Author, not of nature, but of supernaturall grace. Yea out of Card. Bellarmine's owne grounds it may be cleerely conuinced, that the temporall power among Christians is not of it own nature subiect, and subordained to the spirituall power, and consequently, that temporall peace, which is the end of temporall power, is not of it own nature referred or ordained to eternall felicity, which is the last create end of the spirituall power, for that according to Aristotle, ends are so subordained, as their powers are subordained. His first ground is, for that in his *Controuersies* he affirmeth, that in Infidels there is true ciuill power without any order, or relation to any true spirituall, or Ecclesiasticall power, and consequently in Infidels the ciuill power is not subiect or subordained to the spirituall, for where there is no order, or relation, there can be no subiection, or subordination, for that subiection and subordination doth necessarily imply an order, relation, or reference to that, to which any thing is subordained.

7. Seeing therefore that Christian Religion doth not take away true ciuill power, as Card. Bellarmine himselfe also in another place affirmeth, neither is the true nature, or any intrinsecall propertie of the ciuill power changed or altered, for that it is in a Christian,

e) Lib. 1. Ethic.
cap. 1.

f) Lib. 5. de Rom.
Pont. cap. 6.

g) Lib. 2. de Rom.
Pont. cap. 29.

stian, or an Infidell, in this subiect, or in that, it necessarily followeth, that if true ciuill power bee not of it own nature subiect, or subordained in Infidels to true spirituall, or Ecclesiastical power, it is not also in Christians *per se*, and of it own nature subiect or subordained to true spirituall or Ecclesiasticall power. This onely alteration hath ciuill power for being in this subiect, or in that, in Infidels, or in Christians, that Christians ought, according to the true grouids of Christian Religion, referre it by the aide of true supernaturall faith to a true supernaturall end, to which Infidels, who want true supernaturall faith, cannot referre it: but this alteration is extrinsecall or accidentall, not intrinsecall or essentiall, neither doth it proceed from the nature of the ciuill power it selfe, but from the wil & intention of him, in whom true ciuill power doth reside. As likewise the nature or intrinsecall properties of other accidents, as of Musick, Physick, and such like, are not altered, or changed by the changing or altering of their subiects, & for that they are in Christians, or in Infidels, although a Christian Musician will refer & ordaine his Musick to the true worship of God, & an Infidel to the honor of his Idol.

8. The second ground, which Card. Bellarmine layeth to prooue, that the temporall power among Christians is not *per se*, and of it owne nature subiect to the spirituall power, is, for that in his *Schulkenius* he affirmeth^h, That among the Heathen Romanes, the ciuill power was subiect to the spiritual power of a false religion: and a little beneath, if the ciuill power, saith he, be ioyned with a false Ecclesiasticall power, that is of a false Religion, as it was in the Heathen Romane Common-wealth, then it is actually subordained to a false Ecclesiasticall power, and if it bee ioyned with a true Ecclesiasticall power, as in the Christian and Catholike Church, then it is actually subordained to a true Ecclesiasticall power. Now what Philosopher, or Diuine

h Pag. 276. ad
nu. 140.

will affirme that a true ciuill power is *per se*, and of it owne nature actually ordained, subordained, or referred to a false Ecclesiasticall power, that is of a false Religion, or to the worshipping of false Gods. Therefore this subiection, subordination, or relation of true ciuill power to the spirituall, proceedeth from the intencion of him, in whom the ciuill power doth reside, who according to his faith and religion (bee it true or false) referreth his true ciuill power to a true or false Religion, to a true or false worshipping of God, and not from the nature, or any intrinsecal propertie of the true ciuill power it selfe, which, as it is the same in Infidels and Christians, or in whatsoeuer subiect it be: so also of it owne nature hath the same end as well in Infidels as in Christians, to wit, temporall peace, to which of it owne nature it is alwaies referred. And therefore I doe not onely say: but also I doe cleerely prooue, and that out of Card. Bellarmine's owne grounds, to which neuerthelesse I being only an answerer, and not an opponent, was not tied, that neither the ciuill power, being only a naturall power, nor the end of ciuill power, which is temporal peace, being onely a naturall end, is *per se*, and of it owne nature subiect, or subordained to a true supernaturall power or end, but onely by the intencion of him, in whom the ciuill power doth reside.

9. Now you shal see how wel D. Scholkenius pro-
ueth the contrarie. But wee prooue the contrary, saith
he, *because the end of the spirituall common-wealth is e-*
uerlasting saluation, which is the last end; the end of the
temporall common-wealth is the peace of the Citie, or
Kingdome, which is not the last end, but a mediate end.
But all ends are subordained per se, and of their owne na-
ture to the last end, and in verine of it they doe moue, as all
efficient causes are subordained per se, and of their owne
nature to the first efficient cause, and in vertue of it they
worke whatsoeuer they doe worke. See S. Thomas 2a.
2a. q. 1. ar. 6.

10 But

10. But to this argument I answered before, that the last create end of the spirituall common-wealth, which is a companie of men vnited by Baptisme, in that manner as I declared before, is eternal saluation, to which they ought to referre all their powers both temporall and spirituall, and all their actions both in generall and particular: but I denied, that the last end of the temporall power it selfe, although it bee conioyned in one & the selfe same subiect with true spirituall power, is eternall saluation, but onely temporall peace in the common-wealth, to which of it owne nature it is onely referred, as to her last end, although by the intention of him, in whom true ciuill and spirituall power doth reside, it ought to bee referred to eternall saluation, as to the last end of a Christian man, but not as to the last end, which the temporall power it selfe hath *per se*, and of it owne nature. Neither hath D. Schulckenius proued the contrary, but rather in his *Reply* to my answer hee in expresse words confirmeth what I haue said. For in his answer to the authority, which I brought out of S. Augustine, hee affirmeth, *That the last end of one particular will, power, or science is their act or operation*, and therefore it cannot of it owne nature be referred to eternall saluation, as to the last end, vnlesse D. Schulckenius will admit, that the same particular power hath of it owne nature two last ends, or a later end then the last, which implieth a manifest contradiction; but it must onely be referred extrinsically to eternall saluation by the intention of him, in whom the particular power doth reside.

11. True it is, *That all create ends are subordained per se, and of their nature to that end, which is simply and absolutely the last end, and doe moue in vertue thereof, as all efficient causes are subordained per se, and of their owne nature to that, which is simply and absolutely the first efficient cause, and in vertue thereof they doe worke what-*

foeuer they do worke: But this efficient and finall cause of all created things is not the eternall saluation of men, but God amighty, who is *Alpha & Omega*, *principium & finis*, the beginning and end of all created things, both naturall and supernaturall, both vnreasonable and reasonable, of accidents and substances, of all powers and of all things wherein powers doe reside, and who is glorified not onely by the eternall saluation, but also by the eternall damnation of men. God alone is simply and absolutely the last end of all created things, to whome all naturall things are of their owne nature lastly referred, as to the first Authour and last end of nature, and supernaturall things, as to the first Authour and last end of grace and glory: Neither can naturall things of their owne nature be referred to any supernaturall create end, as is eternall saluation, but onely by the will and intention of him: who by the helpe of supernatural grace shall referre and eleuate them aboue their nature to a supernaturall end. Neither doth *S. Thomas* in that place affirme the contrary, but rather most cleerely confirmeth, what I haue said: for there he only disputeth, how every man by his wil, intention, and desire, referreth all good things, which hee desireth to the last end.

12. Marke now, I beseech you, *D. Schulckenius* his second prooffe, which is no whit better then the former. *Moreouer is not the body, saith hee, per se, or of it owne nature for the soule? why then are not corporall things, per se, or of their owne nature for spirituall things? And whereas my Aduersarie Widdrington seemeth to say, that every temporall end is per accidents, or accidentally referred to a spiritual end: as by man, who worketh for an end, it is ordained to a spirituall end, it is altogether false. For oftentimes wicked men doe ordaine spirituall things to temporall, of whom the Apostle saith, whose God is their belly: and by this a temporall end is*
per

per se, and of it owne nature alwaies ordained to a spirituall end; but by accident and against nature by the wickednesse of humane intention sometimes a spirituall end is ordained to a temporall.

13. The reason why the body is *per se*, and of it owne nature for the soule or spirit, and yet the temporall power, or the end thereof, is not *per se*, and of it owne nature referred to the spirituall power, or the end thereof, I did declare in my *Apologie*¹, which D. Schulckenius also did relate a little before,^m because the bodie and soule doe compound one substantiall thing consisting of two essentiall parts, whereof the bodie is the matter, as the Philosophers doe call it, and the soule the forme; and this is the reason, why the body is *per se*, and of it owne nature, for the soule and subiect are subordained to it; for that all Philosophers doe grant, that euery matter is *per se*, and of it owne nature for the substantiall forme, wherewith it maketh one essentiall compound; but the temporall and spirituall powers doe not make one totall bodie or common wealth; whereof the temporall power is instead of the matter, and the spirituall insteade of the forme. And therefore D. Schulckenius had small reason to make that interrogation, seeing that hee himselfe did a little before set downe this my reason, which doth fully satisfie the aforesaid demand.

l Num: 140.

m Pag. 275.

14. Neither did I say, as D. Schulckenius here affirmeth me to say, although a little before, as you haue sceneⁿ, he related my words otherwise, that euery temporall end is *per accidens*, or accidentally referred to a spirituall end; but I only affirmed, that not euery temporall end, and in particular temporall peace among Christians, which is the last end of the ciuill power it selfe, is not *per se*, and of it owne nature ordained to eterna'l saluation, which is the last end of the spirituall power; but onely *per accidens*, or accidentally, as by the will and intention of a Christian man,

n Num. 4.

it is ordained to eternall saluation, which is a supernaturall end, and therefore not proportionate to the nature of any ciuill or naturall power. And although I had said, that euery temporall end is *per accidens* referred to a spirituall end, yet *D. Schulckenius* could not but perceiue by the whole scope of my words, that my meaning was to say, that euery temporall end, which is referred to a spirituall end, is not *per se*, and of it owne nature referred to that spirituall end, but *per accidens*, and extrinsecally by the will and intention of man, who referreth it to that spirituall end. for no man can bee so ignorant as to imagine, that Christians doe alwaies referre and ordaine all temporall ends to the eternall saluation of their soules.

15 True it is, that all naturall things belonging to man are of such a nature, as that by the intention of man they may be ordained to good or bad ends, and temporall peace, which is a naturall end, may by the will of man, being aided with supernaturall grace, be referred and eleuated to eternall felicitie, which is a supernaturall end, and this is agreeable to reason, and to the nature of man, as he is a reasonable creature, or led by reason, to ordaine, referre, and eleuate all naturall things, which are in his power, when by the helpe of grace he is able so to doe, to true supernaturall ends, and to eternall felicitie, for which hee was created, and to doe otherwise were against reason, and against the nature of man, as hee is endued with reason: But that naturall powers, or ends, should be *per se*, and of their owne nature *actually* referred, and eleuated to supernaturall powers or ends, much lesse supernaturall powers or ends, should be referred and depressed to naturall powers or vicious ends, but only by the good or wicked intention of a man, in whose power it is to ordaine a good thing to a bad end, a naturall power to a supernaturall, and contrariwise,

riwise, this truly I thinke no man of any learning can conceiue, and before I haue clearly proued, that it is altogether false.

16 Lastly, to those words, which I alledged out of S. Austin, and to the rest which follow in my Answer, D. Shulckenius replyeth in this manner: I answer first, saith he, It is true, that the last end of one particular will, power, or science is their act, but it is not true, that the last end of one particular will, power, or science is not referred per se and of their owne nature to that end, which is simply the last end, but onely by accident by the intention of him, who hath that will, power, or science. And this not onely S. Thomas in the place cited doth teach, but also S. Austin in the place alledged by Widdrington, to wit, lib. 11. de Trinit. cap. 6. All these, saith S. Austin, and such like wills haue first their ends, which are referred to the end of that will, whereby we are willing to liue happily. Thus S. Austin, who, when he subioyneth, the will therefore to see a skar doth desire hir end, to wit, the seeing of a skar, and farther doth not appertaine to hir, he signifieth indeed, that the seeing of a skar is the last end of the will to see a skar, but hee doth not deny, that the seeing of a skar is per se, and of its owne nature referred to a higher end of a higher will, and that to an other, untill we come to that end, which is simply the last end. For all good ends are of their owne nature referred to that end, which is simply the last end, and all ends are of their owne nature subordained one to another, (so also it is necessarie, that wills, powers, or sciences be subordained. As for example, (to persist in S. Austins example) a man hath many wills, one to see a skar, another, by seeing the skar to finde the wound; the third, by finding the wound, to cawince and correct him, who did inflict the wound; the fourth, by correcting him to heale the wound of his soule; the fift, by this act of charitie to merit life euermlasting; it is certaine, that euery one of these wills haue their proper end, neither any thing farther doth

o Pag. 332.

appertaine

appertaine to them, but it is also certaine, that the end of the first will is referred to the end of the second will, and the first will it selfe subordained to the second, and so in order. Thus D. Schulckenius.

17 But truly in my opinion D. Schulckenius doth in this Reply both plainly contradict himselfe, and also clearely confirme my Answer. And first no man can make any doubt, but that all wills, powers, sciences, ends, and things whatsoever are *per se*, and of their owne nature referred to that, which is simply the last end; but that, which is simply the last end of all things, is not the eternall felicitie of any creature, but God almightie, who alone is simply the efficient and finall cause of all things, and made all things, both heauen and hell, for himselfe, Prouerb. 16. and who is glorified not only in the eternall saluation, but also in the eternall damnation both of Men and Angells: And this D. Schulckenius can not deny, and he might haue seene the same confirmed by S. Thomas in the same question cited by him ar. 8. but more expressly 1^a. part. q. 44. ar. 4. where he proueth, that because God almightie is the first efficient cause of all things, he must of necessitie be also the last end of all things: and by S. Austin also in infinite places.

18. Secondly, whereas D. Schulckenius affirmeth, that the last end of one particular will, power, or science is their act, and withall, that this last end is *per se*, and of it owne nature referred to a further create end, (whereof only he speaketh) and consequently that particular will or power must also be referred to that farther end, and so it must be referred to a farther end then to the last, he clearely contradicteth himselfe. For how can any act be *per se*, and of it owne nature be the last end of one particular will, power or science, and yet this last end be *per se*, and of it owne nature referred to a farther end, seeing that according to the approoued grounds of philosophie, which kinde of arguing the Logicians

Logicians call *Sorites*, or *à primo ad ultimum*, an argument from the first to the last, every particular will, power or science, which is *per se*, and of it owne nature referred to any particular end, is also referred to all those ends, to which that particular end is *per se*, and of it owne nature referred. As for example, if any particular will be *per se*, and of it owne nature referred to the seeing of a skar, and the seeing of a skar be *per se*, and of it owne nature referred to the finding out of the wound, and the finding out of the wound be *per se*, and of it owne nature referred to the correcting of him who did inflict the wound &c. then *à primo ad ultimum*, from the first to the last, the will to see a skarre must *per se*, and and of it owne nature be referred to the correcting of him, who did inflict the wound &c. Wherefore if the seeing of a skarre be the last end of the will to see a skarre, as D. *Schulkenius* heere affirmeth, it cannot *per se*, and of it owne nature be referred to a farther end, vnlesse hee will grant, that the same will shall haue *per se* a farther end, then the last, which is a flat contradiction; but if it be referred to a farther end, it is onely by *accident*, and extrinsecally by the intention of the seer, who referreth the seeing of a skarre to a farther end, then it hath of it owne nature. Neither doth S. *Thomas*, or S. *Austin* affirme the contrary, but confirme what I haue sayd.

19. For although S. *Austin* doth affirme, that all these & such like wils haue their proper ends, which are referred to the end of that will, wherby we desire to liue happily, and to come to that life, which is not referred to any other thing, but it doth of it selfe satisfie the Loner, yet he doth not say, that these proper ends, are *per se*, and of their owne nature referred to euermlasting happinesse, but he doth rather in expresse words say, that they are by some particular will, or intention of man referred to euermlasting happinesse. And therefore he concludeth,

death, that all wils are well connected together, if that will be good, whereunto all the rest be referred, but if that be bad, all the other wils are bad. So that S. Austin cannot be so vnderstood, that all those wils are *per se*, and of their owne nature referred to a good, or to a bad will, for that a will, which of it owne nature is good, cannot of it owne nature be referred to a bad will, or to a bad end. And therefore when S. Austin saith, that she will to see a skarre bath for her proper end the seeing of a skarre, and no farther appertaineth to her, hee vnderstandeth of the last end, which the will to see a skar bath *per se*, and of it owne nature, and when he saith, that it may be referred to a farther end, good or bad, he vnderstandeth of a farther end, not which it hath of it owne nature, but which it hath by some other will or intention, which may be good or bad, according as it referreth all the other wils to a good or bad end.

20. Moreouer those examples, which D. Schulckenius bringeth in the end of his *Reply*, doe most cleerly confirme my answer, and confute his owne *Reply*. For if a man haue many wils, one to see a skarre, another by seeing the skar to prooue the wound, the third by prouing the wound to correct him who inflicted the wound and so forth, it is certaine, that the seeing of the skarre is not *per se*, and of it owne nature referred and ordained to prooue the wound, and to correct him, who did inflict the wound, but onely by the will and intention of the seer, who referreth it to those ends, in whose choice it is to refer the seeing of a skar to other ends: neither is there any naturall or necessary connexion betwixt the seeing of the skar, the prouing of the wound, and the correcting of him, who did inflict it: for that a skar may be seene for many other ends, and not at all for those. Besides, it is repugnant to the course of nature, that the seeing of a skar, which is a naturall thing, should be *per se*, and of it own nature referred & ordained to the everlasting happinell

happinesse of man, which is a thing aboue nature, and beyond the course of naturall things, and therefore it is only by accident, and extrinsically by the intention and will of man referred and ordained to that supernaturall end. And thus you see, that I haue not only clearly answered to this first argument of Card. Bellarmine, which had been sufficient for me, who tooke vpon mee only to answere, and not to proue, but also haue clearly prooued, that although eternall felicitie, be the last create end of man, yet temporall peace, and not eternall felicitie is the last create end, to which temporall power even among Christians is *per se*, and of it owne nature referred.

¶ 21. Neuerthelesse, I will go a little farther with Card. Bellarmine, and grant him for Disputation sake, which hitherto he hath not in my iudgement so much as *probably* proyed, that thereby the weakenesse also of this his first pretended demonstration may the more easily appeare; to wit, that not only the Ecclesiasticall, but also the ciuill power among Christians is *per se*; and of it owne nature, and not only by the will and intention of Christian men referred to the true eternall saluation of man, as to the last end not only of man, but of the ciuill power it selfe, yet it can not therefore from hence by any necessarie consequence bee inferred, that the ciuill power among Christians is *per se*; and of it owne nature subiect and subordained to the spirituall power, or that the end of the ciuill power is subordained to the end of the spirituall power, but at the most, that both of them haue one & the selfe same last end, to wit, the eternall felicitie of man, to which the spirituall power leadeth Christian men by spirituall meanes, to wit, by spirituall directions, lawes, and punishments, and the ciuill power by ciuill meanes, directions, lawes, and punishments. And therefore there is no subordination of ends, betwixt the ends of the spirituall and temporall power, and consequently no subordina-

subordination of powers, but they have both one last end, to wit, euerlasting happinesse, although diuerse waies, or meanes to attaine thereunto, not much vnlike diuerse lines in a circle, which doe end all in one center, and yet one line is not subordained to another, although all of them doe tend by diuerse waies to the same center. And therefore by this first argument Card. Bellarmine hath not sufficiently proued, that the ciuill power among Christians is *per se*, and of it owne nature subordained to the spirituall, or the proper end of the ciuill power, which is her act tending to temporall peace, subordained to the proper end of the spirituall power, which is also her act tending lastly to euerlasting happinesse; although I should grant him, that both of them haue *per se*, and of their owne nature one and the selfe same last end, which is the eternall saluation of man, in whom those powers doe reside. And therefore D. Schulckenius perceiuing belike the sufficiency of my answere, and the weaknesse of his owne Reply, flieth to a second Reply, which neuerthelesse is as insufficient as the former.

P Pag. 333.

22. But although we should grant, saith he, to Widdrington, that the end of the ciuill power is not referred *per se*, and of it owne nature to the end of the spirituall, but onely by the intention of the Prince, in whom the ciuill power doth reside, yet the argument which Card. Bellarmine brought from the subiection of the temporall power to the spirituall, to proue that the spirituall Prince could not onely command temporall Princes, but also dispose of temporalls in order to spirituall good, would be most strong and good. For a Christian temporall Prince ought to referre the publike peace, which is the end of ciuill power, to the eternall peace and felicitie of himselfe and of his people, which is the end of the spirituall power. And therefore hee ought to subiect and subordaine the end of his power to the end of the power of the spirituall Prince. But as he ought to subiect and subordaine end to end, so also power to power. Wherefore hee ought not

to take it in ill part, if he be truly a Christian Prince, that the Pope by his spirituall power direct, and correct the ciuill power, and that so the sword be vnder the sword, and in the Christian common wealt there be order, peace, and quietnesse, whiles Superiours do rule inferiours, and inferiours be subiect to Superiours.

23. But in this Reply there lie hidden some cunning equiuocations, and the most that it proueth, as oftentimes heretofore I haue signified, is, that the temporall power or sword, or rather temporall Princes who haue temporall power, and beare the temporall sword, are in spirituall causes) whether of their owne nature, or by some accidentall circumstance they become spirituall) to the spirituall or Ecclesiasticall power, by which they are to be directed & corrected, not in meere temporals, but only in spirituals, not by temporall lawes, or with temporall punishments, which doe belong onely to the temporall power, but only by Ecclesiasticall lawes or directions, and with Ecclesiasticall or spirituall punishments or corrections, which onely do appertaine to the Ecclesiasticall or spirituall power.

24. True it is, that eternall saluation is the last create end not only of the spirituall, but also of the temporall power among Christians, seeing that all Christian Princes are bound by the law of Christ to referte their temporall power, and the vse thereof, not onely to temporall peace in the common wealt, which is the last end, which temporall power hath *per se*, and of it owne nature, but also to the eternall peace and felicity of themselves, and of their people. And therefore there is here no subordination of ends betwixt the temporall power and the spirituall, and consequently in this respect no subordination of powers, as D. *Schulckenius* doth here from thence inferre, but as well the ciuill power among Christians, as the spirituall, haue one and the selfe same last end (whether it bee in-

trinfecall to one power, and extrinfecall to the other, or intrinfecall to both as I declared before) to which the temporall power by temporall lawes, directions, and corrections, and the spirituall power by spirituall lawes, directions, and corrections or punishments are by the law of Christ bound to direct, and lead all Christians.

q Lib. 1. c. 14.

r Tom. 2. epist.
50.

(Psal. 71.

25. Whereupon S. Thomas, or whosoever bee the Authour of that booke de Regimine Principum doth well affirme, *q* that the end which a King ought principally to intend in himselfe, and in his subiects, is eternall happiness, which doth consist in the seeing of God, and because this seeing of God is the most perfect good of all, it ought to move exceedingly a King and every Lord, that their subiects may attaine to this end. Therefore, when Kings, saith S. Austin, in the time of the Apostles did not serue our Lord, then impieties could not be forbidden by lawes, but rather exercised. But afterwards, when that began to be fulfilled which is written, *r* And all the Kingdomes of the earth shall adore him, all nations shall serue him, *What sober minded man can saye a King, Doe not you regard by whom the Church of your Lord is defended or impugned in your kingdom, that it doth not appertaine to you, who will be religious or sacrilegious in your kingdom, to whom it can not be said, that it doth not appertaine to you, who will be chaste, or wanton in your kingdom.*

27. Wherefore if a Christian Prince should by his lawes, or otherwise, withdraw his subiects from the attaining to eternall saluation, should impugne not defend the Church, command not forbid impieties, hee should greatly offend God and the Church, and ought not to take it in ill part, that hee should be therefore corrected by the chiefe Pastour of the Church, to whom he is subiect in spirituall, with Ecclesiasticall and spirituall punishments, which only doe belong to the spirituall power. But if the Pastour of the Church should take vpon him to correct such a Prince by way

way of coercion and constraint with temporall punishments, which kinde of correction doth passe the limits of his spirituall power, then the Prince may iustly take it in ill part, for this were to vsurpe temporall Iurisdiction, which is proper only to a temporall Prince, and not to obserue due order, but to make a confusion betwixt sword and sword, betwixt the spirituall and temporall power, which temporall power is only in spirituall corrections, and not in temporall punishments subiect to the constraint of the temporall power.

28 And therefore well said our most learned Countryman Alexander of Hales cited by me before, that the subiection of Kings and Emperours to the Pope is in spirituall not corporall punishment, according as it is said 2^a. 9. 7. that it belongeth to Kings to exercise corporall punishment, and to Priests to use spirituall correction. Whereupon S. Ambrose did excommunicate the Emperour Arcadius, and did forbid him to enter into the Church. For as an earthly Iudge not without cause beareth the sword, as it is said Rom: 13. so Priests doe not without cause receive the keyes of the Church, he beareth the sword to the punishment of malefactors and commendation of the good, these haue keyes to the excluding of excommunicated persons, and reconciling of them who are penitent. Expound therefore; A King is to be punished only by God, that is, with materiall punishment, and againe, A King hath no man to iudge his doings, that is, to inflict corporall punishment, and a little beneath, A King, saith Alexander, doth excell, 1. Pet: 2. trus it is in his order, so wit to inflict corporall punishment, with which punishment, if he offend, he hath none to punish him but only God. what can be spoken more plainly.

29 And by this you easily see the weaknes of D. Schulckenius his argument, and how cunningly with generall and ambiguous words he would delude his Reader. A temporall Prince, saith he, ought to referre

publike

t 3. part. 9. 40.
memb. 5. 9. 4.

publike peace to the eternall peace and felicitie of him selfe and of his people, which is the end of the spirituall power. And what then? And as hee ought to subiect temporall peace to eternall peace, so he ought to subiect his temporall power to the spirituall power. But how, in what manner, in what causes, in what punishments temporall power ought to bee subiect to spirituall power D. Schult. cunningly concealeth. Temporall power to be subiect to spirituall, if wee will speake properly, and in abstracto, doth signifie, that a temporall Prince is in all temporall affaires subiect to the spirituall power of spirituall Pastors. And if by those generall words D. Schulckenius meaneth this, he falleth into the Canonists opinion, whose doctrine in this point learned *Victoria* is not afraid to condemn as manifestly false, and who being poore themselves in learning and riches to flatter the Pope gave him this direct power and dominion in temporalls. For the truth is, that temporall Princes in temporall affaires are not subiect to any besides God alone, which is the received doctrine of the ancient Fathers. The sense therefore of that proposition must be, that temporall Princes are in spiritualls, but not in temporalls subiect to the spirituall power of the Pope. But what then? wherefore he ought not to take it in ill part, if he be truly a Christian Prince, that the Pope by his spirituall power direct, and correct the civill power &c. Still you see he speaketh ambiguously, and in generall words, the sense whereof if hee had declared, you would presently have perceived the weaknesse of his argument: for if he meane, that therefore a temporall Prince ought to be directed in spiritualls, and in things belonging to Christian Religion, and corrected with spirituall punishments by the Pope, this I easily grant him, and so he proueth nothing against me, but if hee meane, that therefore a temporall Prince ought to be directed by the Pope in temporalls, and corrected by him with

u in Relect. x.
de potest. Eccles.
num. 2. & 3.

with temporall punishments, this consequence I vtterly denie, for this were to confound all good order, and to vsurpe temporall Iurisdiction, as I declared before. And thus much concerning *Card: Bellarmine* first argument, my answer, and *D. Schulckenius* his Reply to the same.

Chap. 6. *Wherein is examined the second argument taken from the vniou of Kings, and Bishops, Clerkes and Laikes in one Church.*

1. **T**He second argument, which *Card: Bellarmine* bringeth^a to proue, that the ciuill power among Christians not onely as it is Christian, but also as it is ciuill, is subiect to the Ecclesiasticall, as it is Ecclesiasticall, is this: *Kings and Bishops, Clerkes and Laikes* doe not make two common-wealths but one, to wit, one Church. *Rom: 12. & 1. Cor. 12.* but in euery bodie the members are connected, and one dependeth on the other, but it can not rightly be said, that spirituall things doe depend vpon temporall, therefore temporall things doe depend vpon spirituall, and are subiect to them.

2. To the *Maior* proposition of this argument I answered before^b, that *Kings and Bishops, Clerkes and Laikes*, being diuerse waies considered, doe make two totall, and not onely one totall body or common-wealth. For as they are referred to the Ecclesiasticall or spirituall power of the chiefe visible Pastour, to whom all Christians are subiect in spirituals, they make one totall body or common-wealth, to wit, the Catholike Church, which is the spirituall Kingdome and mysticall body of Christ, but as they are referred to the ciuill power of temporall Princes, to whom all inferiour Clerkes and Laikes are subiect in temporals, as all members are subiect to the head,

D d

they

a *Lib. 5. de Rem. Pont. cap. 7.*

b *Cap. 2.*

they make another body or common-wealth, to wit, earthly kingdomes, as before I declared more at large. And this is sufficient to shew the weaknesse of this *second argument*, the *Major* proposition thereof being cleerely false.

3. But to declare more fully the insufficiencie thereof, and to shew most plainely, that not onely his *Major* proposition, as I have prooued before, but also his *Minor* is apparantly false, I answer *secondly* with D. Barclay to his *Minor*, that although in euery
 “ body the members are vnited and connected ei-
 “ ther immediately, or mediately to the head, vpon
 “ whom they all depend, yet that in euery body all
 “ the members doe depend one vpon the other, there
 “ is no man so ignorant that will affirme: for neither
 “ one foote doth depend vpon the other, nor one
 “ arme vpon the other, nor one shoulder vpon the o-
 “ ther, but they are connected to some third either
 “ immediately by themselues, or to other members,
 “ to which they adhere. May it not, I pray you, by
 “ the same manner of arguing, and by the very same
 “ argument be concluded thus: The armes of euery
 “ man are members of one body, but in euery bodie
 “ the members are connected, and depending one
 “ vpon the other, but it cannot rightly bee said that
 “ the right arme doth depend vpon the left, therefore
 “ the left arme of euery man doth depend vpon the
 “ right, and is subiect vnto it. Who would not skorne
 “ such foolish arguments?

c In Tract.
 contra Barcl.
 cap. 14.

4. To this answer Card. Bellarmine replieth in this manner. That which I sayd, that the members of the same body are connected, and that one doth depend vpon another, I vnderstood of members of a diuerse kinde, as is a finger, a hand, an arme, a shoulder and a head, and not of members of the same kinde, as are two hands, two feet, two eyes, two eares. For the ciuill and Ecclesiasticall power, whereof we speake, are of a diuerse kinde, as it is manifest,
 and

and words are so bee understood according to the matter, which is treated of, otherwise there could not bee any demonstration so certaine, against which there could not bee brought some canill. Therefore Kingly power, which is principall in his kinde, if it compound one body with the Ecclesiasticall power, which also in his kinde is principall, must of necessitie be either subiect, or superiour, least that in one bodie there be two heads; and seeing that it is manifest enough, that the Pope is head of the Church in steede of Christ, it doth plainely follow, that a King must either bee no member of this body, or else hee must bee subiect to the Pope, and in the same manner the ciuill power, which doth chiefly reside in the King, must either bee subiect to the spirituall, which doth chiefly reside in the Pope, or else it must remaine out of the Church; in that manner as a finger cannot be in the body, which doth not depend vpon the hand, nor a hand, which doth not depend vpon the arme, nor an arme, which doth not depend vpon the shoulder, nor a shoulder, which doth not depend vpon the head.

5. But that, which Barclay saith a little after, that the spirituall and ciuill power are as two shoulders in a body, whereof neither is subiect to the other, but both of them are subiect to one head, which is Christ, is not onely false, because those powers are not of the same kinde; that they may be compared to two shoulders, but also it appertaines to the heresie of this time. For what doe the heretikes of this time more endeavour to perswade the people, then that the Pope is not the visible head of the body of the Church, unto whom all Christians, if they will be saued, must bee subiect? But this Barclay of his owne accord doth grant them, who neuerthelesse in all his booke doth make himselfe a Catholike: Therefore the spirituall and ciuill power are not well compared to two shoulders, but they ought either to bee compared to the spirit and flesh, as did S. Gregorie Nazianzene in the place often cited compare them, or else to the shoulder and head, to wit, principall members, whereof neuerthelesse the one, although of it selfe very strong and

potent, ought to bee directed and gouerned by the other, which is superiour.

6 But this Reply of Card: Bellarmine, although at the first sight may seeme especially to the vnlearned to haue in it some shew of *probabilitie*, yet to the iudicious Reader, who will be pleased to examine it more exactly, it will clearely appeare, to be in very deepe very vnfound and fallacious, to D. Barclay very iniurious, to Catholike religion very scandalous, and in very truth to haue in it no *probabilitie* at all, as Mr. John Barclay in his answer to Card. Bellarmine hath most clearely convinced. And first, whereas Card. Bellarmine affirmeth, that when he said, that members of the same body are depending one vpon the other, he understood of members of a diuers kinde, as is a finger, a hand, an arme, a shoulder, a head, and not of members of the same kind, as are two hands, two feet &c. "Mr. Barclay replyeth, that it is vntrue, that members of a diuerse kind are depending one vpon the other, as the hand doth not depend vpon the foot, the liuer vpon the lights, the spleene vpon the shoulders, &c.

7 "And as for those examples, which Card. Bellarmine doth bring, hee vseth therein great deceit, "for neither doth the finger for that cause depend "vpon the hand, nor the hand vpon the arme, nor "the arme vpon the shoulder, for that they are members of one body, but for that by order of nature "the finger cannot consist, or bee of it selfe without "the hand, nor the hand without the arme, nor the "arme without the shoulder; Neuerthelesse many "members of the same body also of a diuerse kinde "can well consist one without the other, as the eye "without the eare, the shoulder without the foot, the "nose without the eie &c as likewise these two members, whereof we now treat of the Christian common wealth, not onely may, but also did actually,

"as

d Cap. 14. §.
2°.

e Lib. 5. de
Rom. Pont. c. 6.

“as Card. Bellarmine himselfe confelleth, in the A-
 “Apostles time consist one without the other. And
 if this proposition of Card. Bellarmine be true, that the
 members of one body, if they bee of a diuerse kinde
 must depend one vpon the other, hee must acknow-
 ledge, that in one kingdome the Musician must de-
 pend vpon the Physician, or the Physician vpon the
 Musician, the Shooe-maker vpon the Taylor, or the
 Taylor vpon the Shooe-maker, the Lord Chamber-
 laine vpon the Lord Treasurer, or the Lord Treasu-
 rer vpon the Lord Chamberlaine, to omit infinite o-
 ther such like trades and dignities, all which are mem-
 bers of the same bodie or Kingdome, whereas it is too
 too manifest, that they are not subiect, or depend one
 vpon the other, but either immediately vpon the
 King, or vpon those Magistrates, whom the King
 shall appoint.

8. Secondly, whereas Card. Bellarmine affirmeth,
 that it is manifest enough, that the Pope is head of the
 Church in place of Christ, from whence it doth clearly
 follow, that a King must either be no member of this body,
 “or else he must be subiect to the Pope, Mr. Barclay re-
 “plyeth, that Card. Bellarmine doth cunningly equivo-
 “cate in that word, [Church]. For the Pope indeed is
 “head of the Church, that is of Ecclesiasticall things, or
 “of Christians, as they are Christians, in so much that
 “a King cannot be a member of the Church being ta-
 “ken in this manner, but hee must be subiect to the
 “Pope. But if by the Church hee vnderstand both
 “powers, ciuill and Ecclesiasticall, which are among
 “Christians, both Lay-men and Clergie-men, who
 “are ioyned by one linke of faith, he is altogether de-
 “ceiued. For the Pope is not the head of ciuill things:
 “and therefore in vaine doth Card. Bellarmine affirme,
 “that Kingly power must of necessitie be either subiect or
 “superiour, least that there be two heades in one bodie.
 “Fortaking the Church in that sense, as it compre-

"hendeth ciuill and spirituall power, the Church hath
 "Christ only for the head, and the Pope and Kings for
 "chiefe members, who also in an other respect are
 "ministeriall heades vnder Christ, the King of ciuill
 "gouernment, and the Pope of spirituall. Besides,
 "Card. Bellarmine doth now change his medium, as
 "the Logicians call it: His argument, which he tooke
 "vpon him to defend, was this: *They are members of*
 "*one body, therefore one dependeth vpon the other; now*
 "*his argument proceedeth thus; Members doe depend*
 "*vpon the head, the Pope is head of the Church, therefore*
 "*Kings, who are members of the Church, doe depend vpon*
 "*the Pope,* which are two distinct arguments, yet both
 of them fallacious, and insufficient to proue, that the
 temporall power it selfe, or which is all one, that tem-
 porall Kings in temporall causes are subiect to the
 Pope, as you haue seene before.

9. Thirdly, whereas Card. Bellarmine affirmeth, that
 the assertion of D. Barclay comparing these two powers to
 two shoulders of the Church, which are connected to one
 head, who is Christ, doth appertaine to the heresie of this
 time, which affirmeth, that the Pope is not the visible head
 of the Church; and that D. Barclay doth of his owne ac-
 cord grant thus much, M. Iohn Barclay answereth, that
 "Card. Bellarmine doth in this both slander D. Bar-
 "clay, and also maketh the Church and Pope odious
 "to Princes. For what Protestant reading this may
 "not with very good reason conclude, that Catho-
 "likes, according to Card. Bellarmines doctrine, when
 "they say, that the Pope is the visible head of the
 "Church, and that this is a point of Catholike faith,
 "doe vnderstand, that he is head and Gouernour not
 "onely in Ecclesiasticall, but also in ciuill causes?
 "what wise men of this world will not relate these say-
 "ings to Princes? and what Prince can without in-
 "dignation heare them. Neither did D. Barclay ever
 "make any doubt, but that the Pope Christ's Vicar in
 "earth

“earth was head in Ecclesiasticall causes, neither did
 “Catholike faith euer teach, that he was head in ciuill
 “causes. Only *Christ* is head of Popes and Kings, the
 “chiefe head I say of the Church. Whereupon S.
 “*Austin* doth affirme, *that an excommunicated person is*
 “*out of the Church, and out of the body, whereof Christ is*
 “*the head.*

f In ferm. de
 remiss pec. &
 refertur l. q. 1.
 can. Vt eui
 dentur.

10. And therefore that similitude betweene the
 soule and body compounding one man, and the spiri-
 tuall and ciuill power compounding one Church, or
 rather one Christian common wealth, or Christian
 world, is no fit similitude, and it is wrongfully ascri-
 bed to S. *Gregorie Nazianzene* by Card. *Bellarmino*, as
 I shewed before, for that the soule is as the forme,
 and the body as the matter, compounding one essen-
 tiall thing, which is man, but the ciuill power is not as
 the matter, nor the spirituall as the forme compoun-
 ding one essentiall body, which is the Church of
Christ: but if we will haue them to compound one to-
 tall body, which is the Church, taking the Church for
 the Christian world consisting both of the temporal
 and spirituall power, which are in Christians, whereof
Christ or God, and not the *Pope* is the head, they are
 onely *integrall*, to vse the termes of Philosophers, and
 not *essentiall* parts, neither doe they compound one
essentiall; but only one *integrall* compound, in which
 kinde of compound it is not necessary, that one part
 doth depend vpon the other, as hath beene now con-
 uinced; but all must of necessitie depend vpon the
 head, although in an *essentiall* compound one part
 must of necessitie depend vpon the other, for that
 in such a compound one part must bee as the matter
 and the other as the forme, as I declared before.

8 Cap. 3.

11. Wherefore the spirituall and ciuill power in
 the Church, taking the Church for the Christian world
 containing in it both powers, or which is all one, for
 the company of all Christians, in whome are both
 powers,

"hendeth ciuill and spirituall power, the Church hath
 "Christ only for the head, and the Pope and Kings for
 "chiefe members, who also in an other respect are
 "ministeriall heades vnder Christ, the King of ciuill
 "gouernment, and the Pope of spirituall. Besides,
 "Card. Bellarmine doth now change his medium, as
 "the Logicians call it: His argument, which heretooke
 "vpon him to defend, was this: *They are members of*
 "*one body, therefore one dependeth vpon the other; now*
 "his argument proceedeth thus; *Members doe depend*
 "*vpon the head, the Pope is head of the Church, therefore*
 "*Kings, who are members of the Church, doe depend vpon*
 "*the Pope,* which are two distinct arguments, yet both
 of them fallacious, and insufficient to proue, that the
 temporall power it selfe, or which is all one, that tem-
 porall Kings in temporall causes are subiect to the
 Pope, as you haue seene before.

9. Thirdly, whereas Card. Bellarmine affirmeth, that
 the assertion of D. Barclay comparing these two powers to
 two shoulders of the Church, which are connected to one
 head, who is Christ, doth appertaine to the heresie of this
 time, which affirmeth, that the Pope is not the visible head
 of the Church, and that D. Barclay doth of his owne ac-
 cord grant thus much, M. Iohn Barclay answereth, that
 Card. Bellarmine doth in this both slander D. Bar-
 clay, and also maketh the Church and Pope odious
 to Princes. For what Protestant reading this may
 not with very good reason conclude, that Catho-
 likes, according to Card. Bellarmines doctrine, when
 they say, that the Pope is the visible head of the
 Church, and that this is a point of Catholike faith,
 doe vnderstand, that he is head and Gouernour not
 onely in Ecclesiasticall, but also in ciuill causes?
 what wise men of this world will not relate these say-
 ings to Princes? and what Prince can without in-
 dignation heare them. Neither did D. Barclay ever
 make any doubt, but that the Pope Christ's Vicar in
 earth

“earth was head in Ecclesiasticall causes, neither did
 “Catholike faith euer teach, that he was head in ciuill
 “causes. Only *Christ* is head of Popes and Kings, the
 “chiefe head I say of the Church. Whereupon S.
 “*Austin* doth affirme,^f that an excommunicated person is
 “out of the Church, and out of the body, whereof *Christ* is
 “the head.

f In serm. de
 remiss pec. &
 refertur l. q. 1.
 can. Vt cui
 denier.

10. And therefore that similitude betweene the
 soule and body compounding one man, and the spiri-
 tuall and ciuill power compounding one Church, or
 rather one Christian common wealth, or Christian
 world, is no fit similitude, and it is wrongfully ascri-
 bed to S. *Gregorie Nazianzene* by Card. *Bellarmino*, as
 I shewed before^g, for that the soule is as the forme,
 and the body as the matter, compounding one essen-
 tiall thing, which is man, but the ciuill power is not as
 the matter, nor the spirituall as the forme compoun-
 ding one essentiall body, which is the Church of
Christ: but if we will haue them to compound one to-
 tall body, which is the Church, taking the Church for
 the Christian world consisting both of the temporal
 and spirituall power, which are in Christians, whereof
Christ or God, and not the *Pope* is the head, they are
 onely integrall, to vse the termes of Philosophers, and
 not essentiall parts, neither doe they compound one
 essentiall; but only one integrall compound, in which
 kinde of compound it is not necessary, that one part
 doth depend vpon the other, as hath beene now con-
 uinced; but all must of necessitie depend vpon the
 head, although in an essentiall compound one part
 must of necessitie depend vpon the other, for that
 in such a compound one part must bee as the matter
 and the other as the forme, as I declared before.

g Cap. 3.

11. Wherefore the spirituall and ciuill power in
 the Church, taking the Church for the Christian world
 containing in it both powers, or which is all one, for
 the company of all Christians, in whome are both
 powers,

powers, or both subiections, are not like to the soule and body, which are essentiall parts of man: but they are as two shoulders, or two sides, which are onely *integrall* parts of mans body: both which powers, although each of them in their kinde bee a visible head, the one of temporals, the other of spirituals, and in that respect doe *formally* make two totall bodies, to wit, earthly kingdomes, whereof temporall Princes are the head, and the spirituall kingdome, or Church of *Christ*, whereof the *Pope* is the chiefe visible head, yet they are connected to one celestia'll and inuisible head which is *Christ*, in which respect they make one totall body, whereof *Christ* onely and not the *Pope* is head, which may bee called the Christian world, consisting of earthly kingdomes, and the spirituall kingdome, or Church of *Christ*.

12. Neither is it true, that these two powers be
 “ of so diuerse a kinde, that they cannot be well com-
 “ pared to two shoulders, for both of them are pow-
 “ ers, and in that respect of the same kinde, and as
 “ powers they are compared to two shoulders. And
 “ why may they not bee aptly compared to two
 “ shoulders, seeing that there is nothing more strong
 “ and more neere to the head in the Christian com-
 “ mon-wealth? Neither is it materiall, that one is a
 “ more strong shoulder then the other; for in mans
 “ body the right arme is stronger then the left, and
 “ yet one is not more an arme then the other. May
 not, I pray you, two pillars of a diuerse kinde, one
 of brasle, the other of marble, bee aptly compared
 one with the other, in that both of them are pillars.
 The temporall and the ciuill power, or Kings as
 Kings, and hauing temporall authoritie, and Bishops
 as Bishops, and hauing spirituall power, are as two vi-
 sible pillars which doe sustaine the edifice of the Chri-
 stian world, or common-wealth, the one in tempo-
 ralls, the other in spirituals, they are as two shoulders,
 which

which as in mans body are next vnder the head, and all the other inferiour members doe depend vpon them; so also they are next vnder God the head of both, and all other inferiour members of the Christian world doe depend vpon them; nay being compared to the inferiour members of the Christian world, they are also as two visible and ministeriall heads; from whence, as from the head of mans body, which is the roote, beginning, and foundation of all sense and motion in all the inferiour parts, all spirituall and temporall directions, Lawes, and punishments doe proceed.

13. And truly if D. Barclay must bee taxed of heresie, for comparing the temporall and spirituall power in the Church, or Christian world (for now the Church and Christian world which consisteth of both powers, is taken for all one) to two shoulders, and for affirming, that Christ only is the chiefe celestial and invisible head of both these powers, and that Kings and Popes are two ministeriall heads thereof (although both of them are also principall in their owne kinde, and in the nature of a visible head) then must Hugo de S. Victore be taxed of heresie, when he compareth these two powers to two sides, affirming, that Lay-men, who haue care of earthly things are the left side of this body, and Clergie men, who do minister spirituall things are the right, and that earthly power hath the King for the head, and the spirituall hath the Pope for head: Lo heere two sides (and consequently two shoulders) and two visible heads, wherof Christ is the principal and invisible head.

14. Then must Thomas Waldensis our learned Country-man be taxed of heresie, when after hee had related the afore said words of Hugo, hee concludeth thus: Behold two powers, and two heads of power: and beneath Likewise, saith he, neither Kingly power, which by the ring of faith or fidelitie is espoused to the king-

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dome,

i Lib. 2. de Sa-
cram. p. 2. ca. 3.k Lib. 2. doctr.
fid. art. 3. ca. 78

l In lib. de veri-
tate predest. &
gratia.

m In Epist. ad
Smyrnenfes.

n Ad Rom. 13.

o Apud. Bini-
num tom. 2.
Concil. pag. 633
p Incap. Adri-
anus dist. 63.
q Lib. 2. de
Concord.
Cath. cap. 3.
r In Tract. cōtr.
Barel. ca. 13. 16

s Super ea, No-
ueris de sent. ex-
com.

t De iure regni
& Imperij cap. 9
in principio.

u Lib. 2. de li-
bert. Christiana
cap. 2.

done, is reduced to any man authoritatively above the King besides Christ: and therefore the Pope is not head of the King, or Kingdome in temporalls. Then must S. Fulgentius be taxed of heresie, when he affirmeth^l, that in the Church none is more principall then a Bishop, and in the Christian world none more eminent then the Emperour. Then must S. Ignatius be taxed of heresie, when hee affirmeth^m, That no man is more excellent then a King, nor any man is like to him in all created things, neither anyone is greater then a Bisshoppe in the Church. Then must S. Chrysostome, Theophylact, and Oecumenius be taxed of heresie, when they affirmeⁿ, That whosoever hee bee, whether he be a Monke, a Priest, or an Apostle, he is according to S. Paul subiect to tempo- rall Princes; as likewise Pope Pelagius the first, who affirmeth^o, That Popes also according to the command of holy Scriptures were subiect to Kings.

15. Then must the ancient Glosse of the Canon Law^p, related and approued by Cardinall Cusanus^q, (which Glosse Card. Bellarmine^r, with small respect to antiquity, doth shamefully call a dotting old woman, and which perchance is abolished for ouermuch old age) be taxed of heresie, affirming, That as the Pope is Fa- ther of the Emperour in spirituall; so the Emperour is the Popes Father in temporalls. Then must Pope Inno- cent the fourth be taxed of heresie, when hee affir- meth^s, That the Emperour is Superiour to all both Church-men and Lay-men in temporalls. Then must Ho- go Cardinall related by Lupoldus of Babenberg be tax- ed of heresie, when he affirmeth^t, That the Emperour hath power in temporalls from God alone, and that in them he is not subiect to the Pope. Then must Ioannis Driedo be taxed of heresie, when hee affirmeth^u, That the Pope, and the Emperour are not in the Church as two subordi- nate Iudges, so that one receiveth his iurisdiction from the other: but they are as two Gouvernours, who are the Mi- nisters of one God deputed to diuerse offices, so that the Emperour

Emperour is chiefe over Secular causes, and persons for the peaceable living in this world, and the Pope over spiritualls for the advantage of Christian faith and charitie. Then must many of the ancient Fathers be taxed of heresie, when they affirme, ^x that Kings and Emperors are next vnder God, and inferiour to God alone; as likewise infinite other Catholike writers, who with Helor Pintus doe affirme, ^y that Kings in temporalls haue no Superiour, although in spiritualls they are subiect to Priests.

^x Expounding those words of the 50. Psalme. Tibi soli peccauit.

^y In cap. 45. Ezch.

16 But to these and such like pittifull shifts and extremities are sometimes driuen men otherwise very learned, when they are not afraid by clamours, slanders, and threatnings, rather then by force of reason, to thrust vpon the Christian world their owne vncertaine opinions for infallible grounds of the Catholike faith, and rather then they will seeme to haue been too rash in their Censures, or not so sound in their iudgements, they care not, although with palpable sophismes, so that they may in regard of their authoritie any way blinde the eyes of the vnlearned Reader with their cunning and ambiguous speeches, to maintaine what they haue once begun, and with no small scandall to Catholike religion, and great hurt to their owne soules, and which also in the end will turne to their owne discredit, to impeach those Catholikes of disobedience, heresie, or error, who shall impugne their new pretended faith and doctrine, as being no point of the true, ancient, Catholike, and Apostolike faith, nor grounded vpon any one certaine authoritie or argument taken either from the testimonie of holy Scriptures, ancient Fathers, decrees of Councells, practise of the primitiue Church, or any one Theologicall reason, wherevpon any one of the most learnedst of them all dare rely.

17 For which cause they are so often enforced to vse so great equiuocation and ambiguitie of words

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in their arguments and answers, not declaring in what sense they take such ambiguous words: as in this question, concerning the temporall power compounding the Church, and being subiect therevnto, in one proposition they will seeme to take temporall power *formally* and in *abstracto*, signifying temporall Princes *formally*, as they haue temporall power, and in an other they will take it *materially*, and in *concreto*, for temporall Princes, who indeed haue temporall power, but not as they haue temporall power; In one proposition they will seeme to take the Church *formally*, as it signifieth the spirituall kingdome of *Christ*, and consisteth only of spirituall power, and in an other they will take it *materially* for all Christian men, or for the Christian world, as it is compounded both of temporall and spirituall power, and contrayneth both the spirituall kingdome of *Christ*, and the earthly kingdomes of the Christian world. So likewise they will not insist vpon any one authoritie of holy *Scriptures*, any one decree of *Pope* or *Councell*, or any one Theologicall reason, as vpon a firme, sure, and infallible ground of their new pretended faith, which if they would doe, this controuersie would be quickly at end, but from one place of holy Scripture they flie to an other, from the new Testament to the old, from one Councell to an other, and from one Theologicall reason to an other, and when all their arguments be answered, then with clamours, slanders, and forbidding of the bookes which are written against them, but not declaring why, or for what cause they are forbidden, or what erroneous doctrine is contayned in them, they will make the matter cleare. But truth and plaine dealing in the end will preuaile, neither will violence, but reason satisfie mens vnderstandings, and this their violent, shuffling, and vsincere proceeding doth plainly shew, that they distrust their cause. And thus much concerning the second argument.

Chap. 7. Wherein the third argument, which is taken from the changing of temporall government, when it hindereth the spirituall good, is examined.

1. **T**He third argument, which Card. Bellarmine bringeth to proue, that the civill power among Christians, not only as it is Christian, but also as it is civill, is subiect, and subordained to the Ecclesiasticall as it is Ecclesiasticall, is this: Thirdly, saith he, "if the temporall government hinder the spirituall good, the Prince, according to the opinion of all men, is bound to change that manner of government, even with the hinderance of temporall good, therefore it is a signe that the temporall power is subiect to the spirituall."

2. Neither doth he satisfie, that should answer, that a Prince is bound to change that manner of his government, not for the subordination to the spirituall power, but onely for order of charitie, by which wee are bound to preferre greater goods before lesser. For in regard of the order of charitie, one common-wealth is not bound to suffer detriment, that an other common-wealth more noble doe not suffer the like detriment. And one private man, who is bound to give all his goods for the conservation of his owne common-wealth, is not bound to doe the like for an other common-wealth, although the more noble. Seeing therefore that the temporall common-wealth is bound to suffer detriment for the spirituall common-wealth, it is a signe that they are not two diverse common-wealths, but parts of one and the same common-wealth, and one subiect to the other.

3. Neither also is it of force, if one should say, that a temporall Prince is bound to suffer detriment for the spirituall good, not in regard of any subiection of the temporall common-wealth to the spirituall common-wealth, but in case

a Lib. 5. de
Rom. Pont.
cap. 7.

odt. maye d
p. 10

otherwise he should hurt his subiects, in whom it is hurt full to loose spiritualls for temporalls. For although those men, who are not his subiects, but are of an other kingdome, should suffer any notable hurt in spiritualls, for the government in temporalls of some Christian King, he is bound to change his manner of government, whereof no other reason can be giuen, but that they are members of the same body, and one subiect to the other.

4. By this argument Card. Bellarmine, as you see, labourerth to proue two things, the one is, that not onely Lay-men, and Cleargie-men doe make one totall body, which is the Church of Christ, whereof the Pope is head, for of this no Catholike maketh any doubt, but also that the temporall & spirituall power themselves, or which is all one, the temporall and spirituall common wealth, as they consist of temporall and spirituall power, are parts of this totall body called the Church of Christ, whereof the Pope is the supreme visible head. The second is, that not onely temporall Princes are in spirituals subiect to the supreme spirituall Pastour, but also, that the temporall power in selfe, as it is temporall, is among Christians subiect to the spirituall power, as it is spirituall, and consequently, that temporall Princes not onely in spirituals, but also in all temporalls are subiect to the spirituall power. But neither of these can bee rightly concluded from this argument, as I shewed in my *Apologie*, where I denied the consequence of this third argument, speaking of subiection and subordination *per se*, and of it owne nature. For if temporall government doe hinder spirituall good, the temporall Prince is bound to change that manner of government euen with detriment of temporall good, not for that the temporall power is *per se*, and of it owne nature subiect to the spirituall, as though of the temporall and spirituall power were made *formally* one politike body, but for both the reasons alledged by Card.

b Num. 160.
& seq.

Card. Bellarmine, which he did not sufficiently confute in his Replies.

5. The first reason is for the order of charitie, by which we are bound to prefer greater goods before lesser. To the Reply, which Card. Bellarmine made to the contrary, I answered thus, that although for the order of charity one common wealth is not bound to suffer detriment, that an other common wealth more noble doe not suffer the like detriment, yet in case that both common wealths bee subiect to one Prince, or that the Prince of the lesse noble common wealth be also a subiect of the more noble, then that Prince is bound for order of charitie, all other things being alike, to preferre the more noble common wealth before the lesse noble. And although one private man, who is bound to give all his goods for the conseruation of his owne common wealth, bee not bound to doe the like for an other common wealth, although the more noble, yet in case that the same private man should at the same time bee a Citizen of both common wealths, if he be bound to give all his goods for the conseruation of the lesse noble common wealth, whereof he is a Citizen, he is much more bound for the same order of charitie, to give all his goods for the conseruation of the more noble common wealth, to which also he is subiect. And this is the very case in this present question. For the spirituall and ciuill power, and the common wealths which they compound, are so vnited and connected among Christians, that euery Christian is a Citizen of both common wealths, and both common wealths may be subiect to the same Prince, as appeareth in the Pope, who is the spirituall Prince or Pastour of the whole Christian world, and also a temporall Prince of some Prouinces thereof.

6. The second reason, for which a temporall Prince is bound to change the manner of his government
in

"in the aforesaid case, is, for that otherwise he should
 "hurt his subiects, to whom it is hurtfull to loose greater
 "goods for the lesser, that is spirituall goods for temporall.
 "To the Reply, which Card. Bellarmine made to the
 "contrary, I answered, that the reason wherefore a
 "temporall Prince is bound to change his manner of
 "gouernment, if it be greatly hurtfull to the spirituall
 "good not only of his owne subiects, but also of the
 "subiects of another Kingdome, is not for that the
 "temporall power is *per se*, and of it owne nature sub-
 "iect to the spirituall, or for that both of them are
 "parts of one, and the same totall common wealth,
 "but because both the King, and also those subiects
 "of an other temporall kingdome, are also members
 "of the same mysticall body of *Christ*, and Citizens
 "of the same spirituall Kingdome, and therefore that
 "King least that he should greatly preiudice in spiri-
 "tuall the kingdome of *Christ*, whereof he is a Citi-
 "zen, by his temporall gouernment, is bound to
 "change that manner of gouernment. Thus I an-
 "swered in my *Apologie*.

c Pag. 339.

7. Now you shall see how cunningly D. Schulcke-
 nius would shift of this answere. To the first part of
 my answere he replyeth thus: *Heere I see nothing that*
needeth any answere saving that [as though of the tem-
 porall and spirituall power were formally made one
 politike body] *For my Aduersary VViddrington doth*
grant the antecedent, of Card. Bellarmines argument,
and denieth the consequence, and for this cause he doth de-
ny it, for that of the temporall and spirituall power is not
made formally one politike body, and therefore one
power is not per se subiect to the other. But what man that
is well in his wits did euer say, that of the temporall and
spirituall power is made formally one politike body?
For although Cleargie men are Citizens of the ciuill com-
mon wealth, as they liue together with the Citizens of that
common wealth, and do buy, sell, and doe other things ac-
cording

according to the lawes of that common-wealth, yet because they are exempted from the power of the politike Prince, and doe obserue his lawes not by force of the law, but by force of reason, they cannot properly and formally, but onely materially be called parts of the ciuill common-wealth.

8. Adde also that if the Ecclesiasticall and ciuill power should make one politike body, the Ecclesiasticall should either be superiour, or subiect to the ciuill, superiour it could not be, for that the King is head of the politike body, neither could it be subiect, for that a superiour power ought not to be subiect to an inferiour. And besides (as it hath beene sayd) Cleargie men are exempted from the power of a politike Prince, and therefore the Ecclesiasticall and ciuill power doe not make properly and formally one politike body. But my Aduersarie doth faine absurd opinions, which hee may refell. That which Card. Bellarmine saith, is, that the spirituall and temporall power, that is, Bishops, Kings, and their subiects, Clerkes and Laikes doe make one Church, one Christian common-wealth, one people, one kingdome, or mysticall body of Christ, wherein all things are well ordered and disposed, and therefore superiour things doe rule inferiour things, and inferiour things are subiect to superiour things. Let my Aduersarie Widdrington overthrow this, and then let him deny the consequence of Card. Bellarmines argument. Thus D. Schulckenius.

9. But how vnfound, cunning, and insufficient, is this Reply of D. Schulckenius, and also repugnant to his owne grounds, you shall presently perceiue. And first when I denied, that the spirituell and temporall power doe make formally one politike body, by a politike body I did not vnderstand, as it distinguished and contradiuided to a spirituall body, but as it is distinguished from a naturall body, and comprehendeth in generall all politike gouernments, whether they be temporall, spirituall, or mixt, in which sense not onely earthly kingdomes compounded of temporall power, but

also the spirituall kingdome, mysticall body or Church of Christ consisting onely of spirituall power is a *politiike body*. Wherefore by the name of a *politiike body* I vnderstood a common-wealth in generall, whether it were temporall, spirituall, or mixt of both, as any man, who is not desirous to cauill, may easily perceiue by all those answers and assertions, which I did so often inculcate concerning the vnion and conjunction of these two powers. So that my meaning in that place onely was to deny, that the temporall and spirituall power, as they are referred to the visible heads and subiects of both powers, doe make *formally* one totall common-wealth, but onely *materially*, for that the same Christian men, who haue temporall power or temporall subiection, doe make one spirituall Kingdome or Church of Christ, but not *formally*, as they haue temporall power, or temporall subiection, for so they make onely temporall and earthly kingdomes, but *formally* as they haue temporall and spirituall power, temporall and spirituall subiection, and are referred to the visible heads thereof, they make two totall bodies or common-wealths, as before I haue declared more at large.

10. Secondly, although it be true, that temporall and spirituall power, that is, *Kings and Bishops, Clerks and Laikes*, as D. Schulckenius expoundeth those words (which neuerthelesse is a very improper accep- tion of those words, for that temporall and spirituall power in *abstracto* doth signifie Kings and Bishops, Clerks and Laikes as they haue temporall and spirituall power) doe make one Church, one Christian com- mon-wealth, one people, one kingdome or mysticall body of Christ, yet this was not all that, which Card. Bellar- mine affirmed, for Card. Bellarmine affirmed another thing, which I pretended to impugne, and which D. Schulckenius cunningly concealeth, to wit, that *Kings and Bishops, Clerks and Laikes* doe not make two com-
mon-

mon-wealths, but one; This was that which I impugned, [*not two common-wealths, but one*] I neuer denied that they did make one common-wealth, to wit, the Church of Christ, but withall I affirmed, that they did make also two, to wit the earthly kingdomes also of this Christian world: So that I did not inuent, or faine absurd opinions to confute them, as D. *Schulckenius* vntreuely affirmeth, but I haue cleerely shewed, and that out of *Card. Bellarmine*s, or D. *Schulckenius* his owne grounds, as before you haue seene more at large, ^d that the temporall and spirituall power doe make *formally* two totall bodies or common-wealths, and that Kings and Bishops, Clerkes and Laikes diuerse wayes considered are parts and members of them both.

d Cap. 1. 2. 3.

11. *Thirdly*, although I had taken a *politike bodie* for a temporall common-wealth, as in very truth I did not, but onely for a common-wealth in generall, as a *politike bodie* is distinguished from a *naturall bodie*, yet I might be very well in my wits, and neuerthelesse haue affirmed, that the temporall and spirituall power doe in the like manner, and for the same cause make *formally* one temporal common-wealth, for the which D. *Schulckenius* doth heere affirme, *that temporall and spirituall power doe make formally one spirituall bodie or common-wealth*. For the reason why he affirmeth, that the temporall and spirituall power doe make *formally* one Ecclesiasticall or spirituall common-wealth, is, for that *Kings and Bishops, Clerkes and Laikes* are members of the spirituall kingdome of Christ, and subiect to the spirituall power of the supreme spirituall Pastor, which reason, if it be of force, doth also conclude, that the temporall and spirituall power may in like manner be sayd to make *formally* one temporal common-wealth, for that *Kings and Bishops, Clerkes and Laikes*, are also true members and parts of the temporall common-wealth, and therefore they are either temporall Princes them-

selues, or subiect in temporals, to the temporal power of temporal Princes. And therefore the reason, why D. Schulckenius doth here affirm, *That the temporall and spirituall power do not make formally one politicke or temporal body*, is, as you haue seen, for that the Clergie are exempted from the power of a politicke Prince, and do obserue his Lawes not by force of the Law; but by force of reason, and therefore, saith he, *they cannot properly and formally, but onely materially be called a part of the politicke common-wealth*. From whence it cleerly followeth, that if a man may be well in his wits, and yet affirme, that *Cleargie men are true parts, members, and subiects of the temporall common wealth*, and consequently are not exempted from temporall subiection; but doe owe true fidelitie and allegiance to temporall Princes, hee may also bee well in his wits, and yet affirme according to D. Schulckenius his reason, that of the temporall and spirituall power, that is, of *Kings and Bishops, Clerkes and Lokes is made properly and formally one politike body, or temporall common-wealth*.

12. And dare D. Schulckenius, trow you, presume to say that S. Chrysostom, Theophylact, Oecumenius,* and those others whom partly I did cite before, and partly I will beneath^f, were not well in their wits, when they affirmed, *That whether he be a Monke, or a Priest, or an Apostle, he is according to S. Paul, subiect to temporall Princes*. Or dare he presume to say, that Dominicus Scotus, Franciscus Victoria, Medina, Sayrus, Valentia, and innumerable other Diuines cited by Sayrus^g, and also by Salar^h the Iesuite, whose opinion hee approoueth and withall affirmeth, *That some few moderne Diuines doe hold the contrary*, were not well in their wits, when they taught, that *Cleargie men are directly subiect to the ciuill Lawes, which are not repugnant to their state, nor to Ecclesiasticall Lawes, or Canons, and that Kings are Lords of Cleargie men, and that Cleargie men are bound to come at their call, and as Subiects to sweare allegiance*

* Ad Rom. 13.
e Cap. 6.
f Cap. 12.

g Lib. 3. The-
sauric. 4. nu. 16
h Disp. 14. de
Legibus sect. 3.

ance and obedience to them, as *Salas* in expresse words affirmeth; and that *Cleargie men* are not exempted from secular power concerning the directiue, or commanding forcethereof, in ciuill Lawes, which are profitable to the good state of the common wealth, which are the expresse words of *Gregorius de Valentia*, tom. 3. disp. 2. q. 5. punc. 3.

13 And to conclude, dare *D. Schulckenius* presume to say, that *Cardinall Bellarmine* was not well in his wits, when hee wrote, *That Cleargie men are not in any manner exempted from the obligation of ciuill Lawes, which are not repugnant to holy Canons, or to the office of their Clergie*, although in the last Editions of his Booke, he hath left out those words [*in any manner*] not alleaging any cause wherefore. And therefore although *Cleargie men* are by the Ecclesiastical Lawes, and priuiledges of temporall Princes, exempted from the tribunalls of secular Magistrates, and from paying of certain tributes, and personall seruices: yet to say that they are exempted wholly from temporall subiection, and that they are not subiect to the directiue power of the ciuill Lawes, nor can truely and properly commit treasons against any temporall Prince, for that they owe not true fidelitie, allegiance, and ciuill subiection to any temporall Prince (as some few Iesuities of these latter times haue not feared to auerre, whose opinion *Card. Bellarmine* now, contrarie to his ancient doctrine, which for many yeeres together he publikely maintained, doth now seeme to follow) is repugnant in my iudgement both to holy Scriptures so expounded by the ancient Fathers, to the common opinion of the Schoole Diuines, and once also of *Card. Bellarmine* himselfe, at which time I thinke *D. Schulckenius* will not say, that he was not well in his wits, and also to the practise both of the primitive Church, and of all Christian Kingdomes euen to these dayes, and it is a doctrine newly broached

i Lib. 1. de
Clericis cap.
28. propos. 2a.

ched in the Christian world without sufficient prooffe, scandalous to Catholike Religion, iniurious to Chri-
an Princes, and odious to the pious eares of all faith-
full and well affected Subiects.

14. The other reason, which D. Schulckenius al-
legeth, why *Kings and Bishops, Clearkes and Laicks* doe
not make properly and formally one politike body or tem-
porall common-wealth, (for to say that temporall and
spirituall power in abstracto doe make formally either
one temporal, or one spiritual cōmon-wealth, is very
vntrue and repugnant to his owne grounds, as I haue
shewed before, vnlesse we will speake very improper-
ly) to wit, for that Cleargie men are *superiour and not
subiect*, is as insufficient as the former; for that tem-
porall Princes are in temporalls superiour, and haue
preheminance not onely ouer Lay-men, but also o-
uer Cleargy men. And therefore the temporall, and
spirituall power, or Kings and Bishops, Clearkes and
Laikes, as they are referred to the visible heads heere
on earth, doe neither make one politike or temporall
body, nor one spirituall or Ecclesiasticall body, nor
one total common-wealth consisting of both powers,
whereof the *Pope* is head, but they doe make formally,
and properly two totall bodies or common-wealths, to
wit, the spirituall kingdome of *Christ*, which consi-
steth onely of spirituall power, and the earthly king-
domes of this Christian world, which consisteth one-
ly of temporall and ciuill authority, both which bo-
dies are commonly signified by the name of the
Christian world, or Christian common-wealth, wher-
in all things are well ordered, and rightly disposed,
and therefore superiours are aboue inferiours, and in-
feriours are subiect to superiours; but in temporall
causes temporall power, whereof temporall Princes
are the head, hath the preheminance not onely ouer
Lay-men, but also ouer Cleargy-men, and in spiri-
tuall causes the spirituall power, whereof the *Pope* is
head,

head, is superiour, and to confound these two powers were to breake all good order, as before I also declared. And therefore for good reason I granted the antecedent proposition of *Card. Bellarmine's* argument, and denied his consequence.

15. But fourthly obserue, good Reader; another palpable vnttruth, which *D. Schulckenius* in this place affirmeth. *Card. Bellarmine*, as you haue seene, endeououred by his third argument to proue, that the temporall power as it is temporall, is among Christians subiect to the spirituall power, as it is spirituall; and his argument was this: *If the temporall gouernment hinder the spirituall good, the Prince is bound to change that manner of gouernment, euen with the hinderance of the temporall good, therefore it is a signe that the temporall power is subiect to the spirituall..* The antecedent proposition I did grant, and I denied his consequence. Now *D. Schulckenius* affirmeth, that for this cause I denied his consequence, for that of the temporall and spirituall power is not made formally one politike body, which is very vnttrue. For although I should acknowledge, as in very deede I doe, that the temporall and spirituall power, as they are referred to Christ the invisible and celestiall head, doe make properly and formally one totall body, or common-wealth, consisting of both powers, which may be called the Christian common wealth, but more properly the Christian world, yet I would and doe denie his consequence: and the reason hereof I alledged before, for that they are not essentiall parts of this totall bodie, as the bodie & soule are of man, but integrall parts, as two shoulders, two sides, hands, feete, eyes, eares, &c. are integrall parts of mans bodie, and doe not make an essentiall, but an integrall compound, in which kinde of compound it is not necessarie, as I shewed before^k, that one part bee subiect to an other, but it sufficeth that both be subiect to the head. And although I should also grant,

k Cap. 6, nu. 6.

10.

as I doe, that *temporall and spirituall power* doe make *formally* one politike bodie, or temporall common wealth, taking *temporall and spirituall power* in that improper sense, as is declared by *D. Schulckenius*, to wit, for *Kings and Bishops, Clerks and Laikes*, who diuerse waies considered, doe make *properly*, and *formally* not onely a spirituall, but also a politike bodie or temporall common-wealth: yet I should and do notwithstanding denie his consequence, for those two causes, which *Card. Bellarmine* did in his *Replies* alledge, but, as you haue seene, not sufficiently confute.

16 And truly if this argument of *Card. Bellarmine* were of force, it would in my opinion convince, that not only the temporall power among Christians is subiect to the spirituall power of the *Pope*, but also that the temporall power among infidell Princes is also subiect to the *Popes* spirituall authoritie, which neuerthelesse *Card. Bellarmine* doth denie; for if the temporall gouernment of an infidell Prince doe hurt and hinder the spirituall good of Christian Religion, he is bound to change that manner of gouernment even with the hinderance of temporall good, therefore I might conclude with *Card. Bellarmine*, that it is a signe that the temporall power of an heathen Prince is subiect to the spirituall power of Christian religion. And therefore as the changing of temporall gouernment among infidells, when it hindereth the spirituall good of Christian religion, is no probable signe of any subiection *per se* of their temporall power to the *Popes* spirituall authoritie, but onely of a bond of charitie, whereby all men are by the law of God and nature bound not to hinder true spirituall good for a temporall commoditie, so also among Christians it is no probable signe of any subiection or subordination of the temporall power to the spirituall, but at the most of a greater bond of charitie, whereby Christians not only by the law of God and nature,

nature, but also by the bond of Christian religion, which they professe, are obliged not to hinder the spirituall good thereof for a temporall commoditie.

17 Now you shall see, how insufficiently also D. Schulckenius replyeth to those two answers, which I made to Card. Bellarmines Replies, wherein are alledged the causes, why I denyed the consequence of his argument, and why a temporall Prince is bound to change the manner of his temporall gouernment, when it hindereth the spirituall good. And first to my first answer D. Schulckenius replyeth thus: ¹ that by my answer it is clearely gathered, that I say nothing in this place, which maketh to the overthrowing of Card. Bellarmines argument. For I confesse, saith he, that a Prince of a lesse noble common-wealth is not bound to suffer any detriment onely for the order of charitie, that an other common-wealth more noble doe not suffer the like, vlesse either hee bee subiect to the Prince of that noble common-wealth, or vlesse one hath both the common wealths subiect to him. Therefore I am constrained, saith he, to confesse, that the principall reason, why a temporall Prince ought to suffer detriment in temporalls, lest that the spirituall good be hindered, is not the order of charitie, but the subiection of the temporall common wealth to the spirituall, when they concurre to make one Christian common-wealth, or one mysticall bodie of Christ. Therefore I haue not, saith hee, confuted Card. Bellarmines argument, but haue yielded up the bucklers, yea and also haue confirmed it.

l Pag. 341.

18 But truly it is strange to see, with what boldnesse, men otherwise learned, dare aduenture to auouch such grosse and palpable vntruths, and when their answers are cleane overthrowne, to brag not onely of the victorie, but also that their *Aduersarie* hath granted, and confirmed their answers. For obserue, good Reader, how vntrue and fraudulent this answer is. I affirmed, as you haue seene, that the reason, why a

temporall Christian Prince is bound to change his manner of government, if it hinder the spirituall good, is not, for that the temporall power is *per se*, and of it owne nature subiect to the spirituall, as Card. Bellarmine pretended, but because he being a Christian Prince, to whom especially, more then to a Heathen, it doth belong to haue care of true spirituall good, which Christian Religion ought chiefly to intend, is by the order of charitie, and not for any intrinsecall subiection, or subordination of the temporall power to the spirituall, bound to preferre, *ceteris paribus*, the spirituall good before the temporall. And whereas Card. Bellarmine replied, that for the order of charitie one common wealth, although the lesse noble, is not bound to suffer detriment, that an other common wealth more noble do not suffer the like detriment, and one private man, who is bound to give all his goods for the preservation of his owne common wealth, is not likewise bound to doe the like for an other common wealth although more noble, Seeing therefore that a temporall common-wealth is bound to suffer damage for the spirituall, it is a signe, that they are not two diuerse common-wealths, but parts of one and the selfe same common wealth, and one subiect to another.

12. To this Reply I answered, by shewing the disparity betwixt one temporall common-wealth compared to an other, and a temporall common-wealth compared to the spirituall common-wealth: because the same Prince, or subiect of one temporall common wealth is seldome, or neuer, a Prince or subiect of the other, and therefore the order of charitie requireth, that both the Prince and subiect ought to prefer the temporall good of their owne common wealth, before the temporall good of an other more noble common wealth: As also a man lesse noble ought in charitie to prefer, if other things be alike, his own temporall good before the temporall good of an other man more noble. But if it should so fall out, that the same

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man were Prince of both common wealths, or the same priuate man were a part and member of both common wealths, in this case the order of charitie would require, that he, who is member, or hath charge of both common-wealths, should preferre, if other things be alike, the temporall good of the more noble common wealth before the temporal good of the lesse noble, not by reason of any subiection of one common wealth to the other, but because both common-wealths are subiect to the same Prince, or the same priuate man is subiect to both common wealths, and therefore they ought with due respect and order of charitie to haue care of both, and to preferre the more worthy common wealth before the lesse worthy.

20. As likewise if one man hath diuerse trades, one more noble, an other lesse noble, one more profitable, and other lesse profitable, if in case he should bee compelled to loose, or preiudice one of his trades, the order of charitie would require, that hee should rather loose, or preiudice the lesse noble, then the more noble, the lesse profitable, then the more profitable trade, neither from hence could it bee gathered, that one trade were subiect, or subordained to another, but only that both trades were subiect to one man. So likewise if a man were constrained to loose either his eye or his finger, the order of charitie would require that hee should preferre the eye before the finger, for that the eye is a more noble, a more necessarie, a more profitable part of the body then the finger, and yet from hence we cannot well conclude, that therefore the finger is subiect or subordained to the eye, but that both are parts and members of the body of the same man, who therefore by order of charitie ought with due order and respect to haue a care of the whole body and euery part thereof, and to preferre the more worthy, necessary or profitable before the lesse worthy, necessary or profitable member. And this I said was the

plaine case of the temporall power among Christians compared to the spirituall, for that the Ecclesiasticall and ciuill power, temporall power and spirituall subiection &c. are among Christians so vnited in one subiect, that the same Christian man is a part, member, and Citizen both of the temporall, and also of the spirituall common wealth, and both common wealths may be subiect to the same Prince, as appeareth in the Pope, and therefore the order of charitie doth require, that euery Christian man ought to preferre the spirituall good, and spirituall common wealth, before the temporall good and the temporall commonwealth, not for that the temporall power, or common wealth is subiect to the spirituall, but for that all Christian Princes and people are parts, members, and Citizens of both common wealths, and the spirituall is farre more noble, and worthy, and therefore if other things be alike, to bee preferred before the temporall, by them who are parts and members of them both.

21. Now D. Schulckenius would cunningly forsaeth make the Reader beleue, that I say the very same that Card. Bellarmine doth, and that I doe not by my answere overthrow, but confirme Card. Bellarmines Reply: for that I am enforced, saith he, to confesse that the chiefe cause, why a temporall Prince ought to suffer damage in temporalls, least the spirituall good should be hindered, is not the order of charitie, but the subiection of the temporall power to the spirituall, when they make one spirituall common wealth, or mysticall body of Christ, which neuerthelesse, as you haue seene, is apparantly vntrue. For although I doe indeed alledge subiection for a cause, why the order of charitie doth require, that a temporall Christian Prince ought to preferre the spirituall good before the temporall, by which word [subiection] D. Schulckenius taketh occasion to delude his Reader, yet I doe not alledge that manner of subiection,

section, which Card. Bellarmine doth, as D. Schulkenius vntruly affirmeth, to wit, the subiection of the temporall power to the spirituall, or of the temporall common wealth to the spirituall, taking temporall common-wealth properly as it consisteth of temporall power and temporall subiection, but the subiection of both common-wealths to one Prince, or the subiection of all Christians to both common wealths, to bee the cause, why the order of charitie requireth, that a Christian Prince is bound to change his manner of government, when it hindereth the spirituall good.

22. Belike D. Schulkenius would inferre, that because the Pope is Lord of Ancona, and Ferrara, and ought to preferre *ceteris paribus* the good of the one before the other, therefore the State of Ancona is subiect to the State of Ferrara, or contrariwise, or because the King of Spaine is King of Naples and Duke of Millan, therefore the State of Millan is subiect to Naples, or because a man hath two trades, and ought to preferre the one before the other, therefore the one is subiect to the other, or because one man is a Cittizen of two cities, therefore one of those cities is subiect to the other, or because the eyes and eares are parts and members of the same body of man, who ought therefore by order of charity to preferre the good of the more worthy and necessary member before the good of the lesse worthie and lesse necessarie, therefore the eares are subiect to the eyes or contrariwise. I euer affirmed, that the temporall power among Christians is not *per se*, and of it owne nature subiect to the spirituall, and that they doe not properly and formally, as they are referred to the visible heads heere on earth, make one totall, but two totall common-wealths, although the same Christian man being considered diuerse waies, is a part and member of both common-wealths, and as in spirituall causes he is subiect to the Ecclesiasticall power, which onely doth properly and

formally make the spirituall, or Ecclesiasticall common-wealth, so in temporall causes hee is subiect to the ciuill power, which onely doth properly and formally make the remporall or earthly kingdomes of this Christian world, and because the spirituall common-wealth and good thereof is the more noble and more worthy, therefore the same Christian man, being a member and citizen of both common-wealths, ought to preferre, if other things be alike, the spirituall good before temporall, and not for any subiection of the temporall power, or commonwealth to the spirituall. But when men are not disposed to deale sincerely for truthes sake, but are resolved to defend *per fas & nefas*, what they haue once taken in hand to maintaine, and doe not fight for truth, but for credit, they little regard what they say, so that with cunning & smooth words they may colour their sayings in such sort, as that they may blind, dazel or confound the vnderstanding of the Reader. And thus much concerning Card. Bellarmines first Reply.

23. Now to the answer, which I made to Card. Bellarmines second Reply, by which hee pretended to prooue the subiection of the temporall power to the spirituall, D. Schulckenius ^m replieth in this manner. I answer that my Aduersary Widdrington saith nothing, which doth weaken Card. Bellarmines argument. That which Card. Bellarmine did assume, to wit, that a temporall Prince is bound to change his manner of gouernment, not onely, least that hee should hurt in spirituals his owne subiects, but also least that he should hurt other Christians, my Aduersarie Widdrington doth grant. And in this assumption, or antecedent proposition all the force of Card. Bellarmines argument doth consist. Besides, when Widdrington denyeth, that the temporall power is per se subiect to the spirituall, or that both of them bee parts of one, and the selfe same Christian common-wealth, and afterwards granteth, that a temporall King, and those, who are

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civilly subiect unto him, are members of the mysticall body, and Citizens of the same spirituall Kingdome, he doth manifestly contradict himselfe. For what else is this, that Christian Kings and their Subiects are members of the same mysticall body of Christ, and Citizens of the same spirituall Kingdome; I say, what else is this, then that Christian Kings, and their Lay-Subiects are parts of the Christian common-wealth? For the Christian common-wealth, and the mysticall bodie of Christ, and the spirituall Kingdome of Christ are altogether the same: of which common-wealth Kings with Lokes, Bishops with Clerks are parts, as oftentimes hath beene sayd. In which Christian common-wealth, and mysticall body, and Kingdome of Christ all things are so well disposed and ordered, that temporall things doe serve spirituall, and civill power is subiect to Ecclesiasticall, which conclusion my Aduersario Widdrington hath many waies attempted to overthrow, but he was not able. And he was not able not onely to overthrow the conclusion, but also he hath not beene able to weaken at all with any probable answer the first argument which Card. Bellarmine brought to prove this conclusion, which the Readers will easily perceiue, if without perturbation of minde they will consider that which hath beene sayd by vs.

24 But this Reply of D. Schulkenius is as fraudulent, and insufficient, as the former: for in effect it is only a repetition of his former Reply, to which I haue already answered, besides some fraudulent dealing, which he hath vsed herein. And first it is very true, that I granted the antecedent proposition of this second Reply of Card. Bellarmine, but that all the force of Card. Bellarmines argument doth consist in the antecedent proposition, or assumption, as D. Schulkenius affirmeth, is very vnttrue, and I wonder, that D. Schulkenius is not ashamed with such boldnesse to affirme the same. The Antecedent proposition was, that a Christian Prince is bound to change the manner of his temporall gouernment,

gouernment, if it hurt the spirituall good, not onely of his owne Subiects, but also of the Subiects of other Christian Princes, and this proposition I did willingly grant him, but the force of his argument did not consist only in this antecedent proposition, as D. Schulckenius vntuly affirmeth, but in the consequence, which hee inferred from this antecedent proposition, or if wee will reduce his argument to a syllogisticall forme, in his Minor proposition, or assumption, which was this, *but of this*, to wit, that a Christian Prince is bound to change the manner of his temporall gouernment in the case aforesaid, no other reason can be given, but that both powers are members of the same body, and one power or body subiect to the other. And this consequence, assumption, or Minor proposition, wherein the whole force of his argument did consist, I vtterly denied, and I alledged, as you haue seene, an other plaine and perspicuous reason, why a Christian Prince in the case aforesaid is bound to change the manner of his temporall gouernment, to wit, not for that temporall power is *per se* subiect to the spirituall, or for that they make one totall bodie, or common-wealth, consisting of temporall and spirituall power, but for that all Christians, both Princes and subiects, are parts and members not onely of the temporall, but also of the spiritual common-wealth, for which cause a Christian Prince is bound to change the manner of his temporall gouernment, when it is hurtfull to the spirituall good of the Church, or spirituall kingdome of Christ, whereof he is a true part and member, as I declared before.

25. Secondly, it is very vnture, that I doe any waie contradict my selfe, as D. Schulckenius affirmeth, first in denying that temporall power is *per se* subiect to the spirituall, or that both of them are parts of one and the selfesame Christian common-wealth or Church of Christ, and afterwards in granting, that temporall Kings, and their subiects,

subiects, are members of the same spirituall kingdome or Church of Christ. For these propositions, temporall power is not per se, subiect to spirituall power, and temporall Princes are subiect to spirituall power, are not repugnant or contradictorie one to the other, as neither these propositions are contradictory, Temporall power and spirituall power, are not parts of the spirituall kingdome or Church of Christ, and temporall Princes are parts of the spirituall kingdome or Church of Christ. For contradiction according to Aristotleⁿ, is an affirming and denying of the same thing, and in the same manner: But there is no man so ignorant that will affirme that the same thing, and in the same manner is affirmed and denied in the afore said propositions: for the subiect of the first propositions, is temporall power in abstracto, and it is taken formally, and in the second propositions it is temporall power in concreto, and it is taken onely materially, and hath this sense, that temporall Princes, who haue both temporall power, and also spirituall subiection, are indeed subiect to the spirituall power, and are parts and members of the spirituall kingdome of Christ, but not formally, as they haue temporall power, but onely materially, who haue temporall power, but formally as they haue spiritual subiection. But D. Schulckenius doth manifestly contradict himselfe, as I plainly shewed before^o, first affirming, That the Church of Christ is compounded of temporall and spirituall power, which are formally two distinct powers, as he himselfe also confesseth, and afterwards in denying, that it is compounded of temporall, or ciuill power, which is formally ciuill.

26. But marke now good Reader, what fraude D. Schulckenius vseth in prouing, that I doe manifestly contradict my selfe. He would seeme to his Reader to proue, that I affirme and deny one and the selfe same thing: for this he taketh vpon him to proue, and yet he proueth nothing else, but that which I haue al-

n Lib. 1. de
Interp. cap. 4.

o Cap. 2.

waies affirmed, and neuer denied, to wit, that Christian Kings, and their subiects are parts and members of the Church, and subiect to the spirituall power thereof, but the contradiction, which hee pretended to proue, he doth not proue at all, nor make any shew of proofe thereof, to wit, that it is all one to say, that Christian Princes and their subiects are parts and members of the Church, and subiect to her spirituall power, which I alwaies granted, and that the temporall and spirituall power doe compound the Church, or that the temporall power it selfe is *per se*, subiect to the spirituall power of the Church, which I euer denied, and out of Card. *Bellarmines* owne grounds haue cleerely proued the contrary, and haue plainly shewed, that temporall power doth only compound a temporall or ciuill body or common-wealth, *whereof the King is head*, as D. *Schulkenius* doth heere expressly affirme, and that the Church of *Christ* his mysticall body, and spirituall Kingdome, or Christian common-wealth (taking the Christian common-wealth for the Church onely, and not for the Christian world, as it containeth temporall and spirituall power) is compounded onely of spirituall, and not of temporall power. In which Church of *Christ*, and also Christian world, all things are so well ordered and disposed, that temporall things ought by the intention of good Christians, to serue spirituall things, and temporall Princes, although in spiritualls they are subiect to the spirituall power of the Church, yet in temporalls, or as they haue temporall power, they are not subiect but supream, and consequently the temporall power it selfe speaking *properly* and *formally*, is not subiect to the spirituall, nor dooth compound the spirituall kingdome or Church of *Christ*. And therefore I haue not onely weakened, but also quite ouerthrowne, and that out of his owne grounds this conclusion of Card. *Bellarmino*, and all those

those three arguments, which he brought to confirme the same, as any iudicious Reader, who will duly examine both our writings, will easily perceiue.

Chap. 8. *Wherein is examined the fourth argument, taken from the authoritie of S. Gregorie Nazianzene, comparing the temporall and spirituall power among Christians, to the body and soule in man.*

I. **T**HE fourth argument, which Card. Bellarmine bringeth to prooue this subiection of of the temporall power among Christians, to the spirituall power of the Church, is taken from the authoritie of S. Gregorie Nazianzene, who compareth the temporall and spirituall power among Christians to the body and soule in man: yea, and also affirmeth, that temporall Magistrates are subiect to spirituall Pastors. And this similitude doth so greatly please Card. Bellarmine conceit, that when hee hath any fit occasion, he spareth not to inculcate it, as a very strong argument, and fit similitude to proue, that the temporall power among Christians is *per se*, and of it owne nature subiect to the spirituall, as the body in man is *per se*, subiect to the soule. For as the spirit and flesh, saith he^a, are in man, so are the spirituall and temporall power in the Church. For the spirit and flesh are as it were two common-wealths, which may be found separated, and also united. The flesh hath sense and appetite, to which are answerable their acts and proper objects, and of all which the immediate end is the health & good constitution of the body. The spirit hath understanding and wil, and acts and proportionate objects, and for her end the health and perfection of the soule. The flesh is found without the spirit in beasts, the spirit is found without the flesh in Angels.

^a Lib. 5. de R^e.
pont. cap. 6.

2 Whereby it is manifest, that neither of them is precisely for the other. The flesh also is found united to the spirit in man, where because they make one person, they haue necessarily subordination and connexion. For the flesh is subiect, the spirit is superiour, and although the spirit doth not intermeddle hir selfe with the actions of the flesh, but doth suffer the flesh to exercise all hir actions, as shee doth exercise in beasts, yet when they doe hurt the end of the spirit, the spirit doth command the flesh, and doth punish hir, and if it be needfull, doth appoint fastings, and also other afflictions, euen with some detriment, and weakning of the bodie, and doth compell the tongue not to speake, the eyes not to see, &c. In like manner if any action of the flesh, yea and death it selfe, be necessarie to obtaine the end of the spirit, the spirit hath power, to command the flesh to expose hir selfe and all hers, as wee see in Martyrs.

3 Euen so the ciuill power hath hir Princes, lawes, iudgements &c. and likewise the Ecclesiasticall hath hir Bishops, Canons, iudgements. The ciuill hath for hir end temporall peace, the spirituall everlasting saluation. They are sometimes found separated, as long since in the time of the Apostles, sometimes united as now. And when they are united, they make one bodie, and therefore they ought to be connected, and the inferiour subiect, and subordinated to the superiour. Therefore the spirituall power doth not intermeddle hir selfe with temporall affaires, but doth suffer all things to proceed, as before they were united, so that they be not hurtfull to the spirituall end, or not necessarie to the attayning thereunto. But if any such thing doe happen, the spirituall power may and ought to compell the temporall by all manner, and waies, which shall seeme necessarie thereunto.

4 Thus you see, that Card: Bellarmine hath made here a plausible discourse, but truly more be-seeming, as I will most clearly convince, a cunning oratour, who with fine, and wittie conceits seeketh rather

rather to please curious eares, then a sound Diuine, who with substantial arguments, and forcible proofes should endeauour to convince the vnderstanding of iudicious men, especially in such points, as are pretended to belong to Catholike faith, and eternall saluation. For neither is the temporall and spirituall power among Christians well compared to the body, and soule of man, either in vnion, or in subiection, and besides, although it were in all things a fit similitude, yet it doth not any way proue that, which Card. Bellarmine pretendeth to proue thereby, but it doth clearely and directly, as you shall see, convince the flat contrarie.

5 For first, as I shewed before^b out of Card. Bellarmines owne grounds, the temporall and spirituall power, as they are referred to their visible heads here on earth, doe not make properly, and formally one totall bodie, or common-wealth, which is the spirituall kingdome, or Church of Christ, but they doe make properly, and formally two totall bodies, or common wealths, to wit, earthly kingdomes, or a temporall, and ciuill bodie, whereof the King is head, as D. Schulckenius exprestely affirmeth^c, and the spirituall kingdome, mysticall bodie, or Church of CHRIST, whereof the Pope is head, and which as D. Schulckenius also affirmeth,^d is onely compounded of spirituall power. Seeing therefore, that the reason why Card. Bellarmine affirmeth, that temporall power among Christians is subiect to the spirituall, is for that they do make one totall bodie, or common-wealth, as the bodie and soule doe make one man, and consequently the temporall power must be subiect to the spirituall, as the bodie is subiect to the soule of man, and as I have clearely proued, there is no such vnion of the temporall and spirituall power to make one totall bodie consisting of both powers, which is the spirituall kingdome or Church of CHRIST, it is manifest, that

b Cap. 2. 3.

c Pag. 339.

d Pag. 203.

e Cap. I.

Card. Bellarmine's argument drawne from this similitude of the soule and bodie, being grounded vpon this vnion of the temporall and spirituall power, compounding one totall bodie, hath no sure ground, or foundation at all.

6. Secondly, although I doe willingly grant, as you haue seene before *, that not onely the temporall and spirituall power among Christians, as they are referred not to their visible heads here on earth, but to CHRIST the invisible head of them both, doe make one totall bodie, or common-wealth, consisting actually of both powers, which may bee called the Christian world (in which sense the Christian common wealth is vsually taken, but the Church of CHRIST, and especially the spirituall kingdome of CHRIST is seldome taken in that sense) but also the whole world, consisting of Christians, and Infidells, may in that manner be called one totall bodie, whereof CHRIST, at least wise, as he is GOD, is the invisible, and celestiall head; neuerthelesse this similitude of the soule and bodie vnited in one man doth nothing auaille to proue the subiection of the temporall power to the spirituall, both vnited in one totall bodie, whereof CHRIST onely, and no earthly creature is the head. For the reason, why the bodie in man is subiect to the soule, is because the bodie and soule doe make one *essentiall* compound, as the Philosophers doe call it, whereof the bodie is the matter, and the soule is the forme, and consequently the bodie must of necessitie, and by a naturall sequele, be subiect to the soule, as euery matter is *per se* and of it own nature subiect to the form, with which it maketh one *essentiall* compound, but the temporal & spiritual power or earthly Kingdomes, and the spirituall kingdome of Christ, as they make one totall body, whereof Christ onely is the head, doe not make one *essentiall* compound, whereof one is as the matter, and the other

ther as the forme, but they doe make one *integrall* compound, as the Philosophers doe call it, in that manner as the bodie of man is compounded of eyes, eares, tongue, hands, feete, which are called by the Philosophers *integrall*, and not *essentiall* parts of mans bodie; but in an *integrall* compound, it is not necessary, as I shewed before^f, that one part be subiect to another, although all must be subiect to the head, as it is apparant in the eyes, eares, tongue, hands, and feet of mans bodie, whereof none is subiect one to the other, although all be subiect to the head. Seeing therefore that the temporall and spirituall power are onely *integrall* parts of the totall body, whereof *Christ* onely is the head, it is euident that from hence no probable argument can be drawne to proue, that the temporall power is subiect to the spirituall, but that both of them are vnired and subiect to *Christ* the inuisible head of them both.

f Cap. 6. nu. 10.

7. *Thirdly*, although I should also grant, that this were a fit similitude in all things, and that the temporall power is subiect to the spirituall in that manner as the body is subiect to the soule of man, yet this manner of subiection would nothing auale to proue, that the spirituall power could either directly, or indirectly dispose of temporalls, depriue temporall Princes of their temporall liues or dominions, vse temporall punishments, or exercise any temporall action, but it is rather a very fit similitude to conuince the flat contrary. For as I will easily grant, that the soule hath power to command, or forbid the body to exercise any corporall action, when it is necessarie or hurtfull to the end not onely of the soule but also of the body, (which last clause Card. *Bellarmino* cunningly omiteth, for that it fauoureth, as you shall see, the Popes direct power to command temporalls) as to see, to heare, to speake, and such like actions, which are subiect to the command of mans will, I say, *which are sub-*

iect

iect to the command of mans will, for that there be many corporall actions, which are not in the power of mans will to command, as are all the actions of the nutritive, vegetative and generative powers; But if the body by any let, or hinderance can not, or (if it were possible) would not doe that corporall action, which the soule would willingly haue the body to doe, as to see, to heare, to speake, or to goe, the soule hath no power of her selfe either directly, or indirectly, that is, either for the good of the body, or for the good of the soule, to do that corporall action, as to see, heare, speake, or goe, without the concurrence of the body it selfe.

8. Neither hath the soule any power to inflict any corporal punishment by way of coercion or constraint, that is, to punish actually with corporall punishment any member of the body without the concurrence of some one or other member thereof, but onely by the way of command, that is, to command some one member to punish it selfe; or an other member, as the hands, feete, or head, to put themselues into fire or water, or the hands, to whip the shoulders, to close thy eye-lids, to stop the eares, not to put meate into the mouth, and such like, which if the bodily member by any let, or hinderance can not, or, *if it were possible*, would not doe, the soule hath done all that is in her power to doe, for that she cannot of her selfe doe any corporall action, without the concurrence of some corporall member, but the most that she can doe concerning any corporall action or punishment, is to command the body to concur with her to the doing of that corporall action, or punishment. I said [*if it were possible*] for that there is such a naturall, necessarie, and intrinsecall subiection of the body to the soule, that the body cannot resist the effectuall command of the soule in those things which are subiect to her command, and therefore I said, that *if it were possible*,
ble,

ble, that the body could resist the command of the soule, yet the soule of her selfe hath not power to exercise any corporall action without the concurrence of a corporall organ: which manner of subiection is not betweene the temporall and spirituall power, for that this subiection being in diuerse persons hauing free will, is free and voluntarie, and therefore the command may be resisted, but the former being of the body to the soule, making one only person, who hath free will, is necessarie and naturall, and therefore can not be resisted.

9. In the like manner I will easily grant, that the temporall power is subiect to the spirituall, or rather that temporall Princes, who haue temporall power, but not as they haue temporall power, are subiect to spirituall Pastours, who haue spirituall power, in such sort, that the spirituall Pastour hath power to command the temporall Prince to do those temporal actions belonging to his temporall power, which are necessarie to the end of the spirituall power, and to forbid him those actions belonging to his temporall power, which are repugnant to the end of the spirituall power, which is eternall saluation, which if hee refuse to doe, and will not obey the command of the spirituall Pastour, the spirituall Pastour can not by vertue only of his spirituall power exercise any temporall; or ciuill action, belonging to the temporall, or ciuill power, without the consent, or concurrence of the temporall power: Neither can the spirituall Pastor inflict any temporall, or ciuill punishment by way of coercion, constraint, or compulsion, that is, punish actually with any temporall, or ciuill punishment without the consent, & concurrence of the temporall, or ciuill power, but only by the way of command, that is, he hath power to command the temporall Prince, who only hath supreme temporall authoritie, to punish himselfe, or his subiects with temporall, or ciuill

punishments, if they vse their temporals to the hurt, and preiudice of the spirituall power, or the end thereof? although I doe willingly grant, that the spirituall Pastour hath power to punish the temporall Prince, or his subiects, with spirituall punishments, not onely by the way of *command*, but also of *coercion* and *constraint*, that is, to punish them actually, whether they will or no, with spirituall punishments, when they shall refuse to obey his iust command, for that this manner of punishing by way of *coercion* doth not exceede the limits of the spirituall *coercive* power.

10. Now if my *Aduersaries* demand of mee, why the spirituall power may of her selfe command temporall actions, and yet neither *directly*, nor *indirectly*, that is, neither for temporall, nor spirituall good, exercise temporall actions, may command ciuill punishments, when they are necessarie to the end of the spirituall power, and yet neither *directly*, nor *indirectly* punish actually with ciuill punishments without the concurrence of the spirituall power, I answer them by their owne similitude, which pleaseth them so much; for the same reason, that the soule hath power of her selfe to command bodily actions, and yet neither *directly*, nor *indirectly*, that is, neither for the good of the body, nor of the soule, to doe of her selfe alone any bodily action, hath power to command bodily punishments, and yet of her selfe hath not power to inflict any bodily punishment, without the concurrence of the bodie it selfe. And thus you see, that this similitude, of which Card. *Bellarmino*, and his followers doe make so great account, is no fit similitude to prooue their doctrine, but rather to confirme ours, and that from this similitude no probable argument can be drawn to prooue, that the spirituall Pastour hath power either *directly* or *indirectly* to dispose of temporals, to depose temporall Princes, or to punish temporally by way of *coercion* or *constraint*.

11. But

11. But fourthly, although the temporall and spirituall power were aptly compared by Card. *Bellarmino* to the bodie and soule, yet it would prooue two things more then he, as I suppose, would willingly admit; The first is, that the temporall power can exercise no temporall action without the concurrence and assistance of the spirituall power, as the body can doe no corporall action, vnlesse the soule also, as an efficient cause thereof, doe concur thereunto; For this is a cleere and approoued principle in philosophie, that the soule is cause of all motions in the body, according to that common definition or description of the soule assigned by *Aristotle*; *Anima id est, quo vivimus, & sentimus, & mouemur, & intelligimus primo. The soule is that, whereby we first or principally liue, and haue sense, and are mooued, and doe vnderstand.*

g 2. De Anima
tex. 24.

12. The second is, that the spirituall power may command or forbid the ciuill power to exercise ciuill actions, not onely when they are necessarie, or hurtfull to the end of the spirituall power, which is the health of the soule, but also when they are necessarie or hurtfull to the end of the temporall power, which is temporall peace, as the soule hath power to command or forbid the bodie to exercise bodily actions, as to see, heare, speake &c. not onely when they are necessary, or hurtfull to the end, and good of the soule, which is spirituall life and health, but also when they are necessarie or hurtfull to the good of the body, which is bodily health and life. And therefore Card. *Bellarmino* declaring this similitude of the spirit and flesh doth only affirme, that the spirit doth command the flesh, when her actions are hurtfull to the end of the spirit, but cunningly omitteth, that the spirit also doth command the flesh, when her actions are necessarie, or hurtfull to the end of the flesh, least the Reader should presently perceiue therby the disparity of this similitude, or else from thence inferre, that in

the same manner the spirituall power may command the temporall power not onely in order to spirituall good, but also in order to temporall good, which is the Canonist doctrine, and which Card. Bellarmine doth at large impugne.

13. Lastly, in what manner S. Gregory Nazianzene did compare the temporall and spirituall power, or rather temporall and spirituall Princes to the bodie and soule, I haue sufficiently declared before^h to wit, not in the manner of their vnion or subiection, but onely in nobility, and in that temporall Princes are in as excellent and worthy manner subiect to temporall Princes, as spirituall things are more excellent and worthy then temporall. So that neither from the authority of S. Gregorie Nazianzene, nor from the similitude it selfe of the bodie and soule, as it is declared and vrged by Card. Bellarmine, can it with any probabilitye be gathered, that the spirituall power can of her selfe exercise any temporall action belonging to the ciuill power, without the concurrence of the ciuill power, although it be necessarie to the end of the spirituall power, as the soule cannot of her selfe without the concurrence of the bodie exercise any bodily action, although it be necessarie to the end, not onely of the body, but also of the soule. And therefore I maruell, that Card. Bellarmine could bee so much ouerseene, as to vrge and repeat so often this similitude of the soule and body to prooue the Popes power to depose, and to dispose of all temporals, which is so flat against him, and which, if it were a fit similitude, doth rather confirme the doctrine of the Canonists, whom Card. Bellarmine taketh vpon him to confute, then his owne opinon. But the truth is, that it confirmeth neither, for that, as I declared before, the temporall and spirituall power, or the temporall and spirituall Common-wealth are not parts compounding one totall Body or Common-wealth,

as

h Cap. 3.

Cap. 2. 3.

as the bodie and soule doe compound a perfect man.

Chap. 9. *Wherein the fift argument to proue the subiection of the temporall power to the spirituall, taken from the authoritie of S. Bernard and Pope Boniface the eight, is examined.*

1. **T**He fift argument, which Car. Bellarmine bringeth^a to proue the subiection of the temporall power among Christians to the spirituall, is taken from the authoritie of S. Bernard *Lib. 4. de considerat.* and Pope Boniface the eight, in the *Extranagant, Unam Sanctam*, who doth imitate, saith Card. Bellarmine, S. Bernards words. The words of S. Bernard to Pope Eugenius are these. *Why dost thou againe attempt to vsurpe, or use^b the sword, which once thou wast commanded to put up into the scabbard? which neuerthelesse hee that denieth to be thine, doth seeme to me not sufficiently to haue considered the speech of our Lord saying, Returne thy sword into the scabbard. Therefore it is also thine, to be drawne forth perchance at thy becke^c, or direction, although not with thy hand. Otherwise if also it doth in no maner appertaine to thee, when the Apostles said, Behold to swords heere, our Lord had not answered, It is enough, but it is too much. Therefore both the spirituall, and the materiall sword doe belong to the Church, but the materiall is indeed to bee exercised, or drawne forth for the Church; but the spirituall also by the Church: the spirituall with the hand of the Priest, the materiall with the hand of the Souldier, but indeed at the becke, or direction, of the Priest, and at the command of the Emperour.*

2. The pricipall words of Pope Boniface, besides those which hee doth imitate out of S. Bernard are, *That in the Catholike, and Apostolike Church, whereof Christ*

a *Lib. 5. de Rom. Pont. c. 7.*

b *Vsurpare.*

c *Natu tuo.*

Christ is the head, and S. Peter his Vicar, and in her power there be two swords, the spirituall, and the temporall, as we are instructed by those words of the Gospell, Behold heere, that is in the Church, two swords, &c. And that the sword must be under the sword, the temporall authoritie subiect to the spirituall power. For the spirituall, the truth so witnessing, hath to instruct the earthly power, and to iudge if it be not good. So of the Church, and of the Ecclesiastical power, the prophesie of Ieremy is verified, behold I haue appointed thee this day ouer nations and Kingdomes, and the rest which follow. Therefore if the earthly power goeth out of the way, shee shall bee iudged by the spirituall power, but if the inferiour spirituall power goeth out of the way, shee shall be iudged by her superiour, but if the supreme goeth out of the way, shee can be iudged by God alone, and not by man, according to the testimony of the Apostle, That the spiritual man iudgeth all things, and he is iudged by none. From all which Card. Bellarmine, who only relateth S. Bernards words, and affirmeth, that Pope Boniface doth imitate the same, doth conclude, that the meaning of S. Bernard, and Pope Boniface was to affirme, that both the temporall and spiritual sword are in the power of the Pope, & that the Pope hath per se, and properly the spirituall sword, and because the temporall sword is subiect to the spirituall, therefore the Pope may command, or forbid a King the vse of the temporall sword, when the necessitie of the Church doth require it.

3. Thus you see what S. Bernard and Pope Boniface doe affirme, and also that Card. Bellarmine inferreth, and concludeth from their words. And although to this, which Card. Bellarmine inferreth from their words, there needeth no answere at all, for that I doe willingly grant all that, which he doth inferre, to wit, that the temporall sword is subiect in some cases to the commanding power of the Pope, and that the Pope may command, or forbid a King the vse of the temporall

rall sword, when the necessitie of the Church shall require it: seeing that the question betweene mee and Card. Bellarmine is not concerning the *Popes commanding power*, and whether the *Pope may command a King* to vse the temporall sword in the necessitie of the Church, as I haue oftentimes in all my Bookes expressly affirmed, but concerning the *Popes coercive power*, and whether if a King will not vse the temporall sword at the *Popes command*, the *Pope* hath power to vse it himselfe, and may constrain a King not only with spirituall, but also with temporal compulsion, and punishment to fulfill his iust command; Neuerthelesse, because Card. Bellarmine hath now in his *Schulckenius*, taken some exceptions against the answer, which I made in my *Apologie* to the authoritie of *S. Bernard*, and consequently of *Pope Boniface*, who, as hee saith, doth imitate *S. Bernards words*, I thinke it not amisse to set downe my answer, and also his *Reply*, that so the *Reader* may cleerely perceiue, whether *S. Bernard* doth fauour, or disfauour Card. Bellarmines opinion concerning the *Popes power* to vse the temporall sword, in case a temporall King will not vse it at the *Popes command*, and whether *D. Schulckenius* hath sufficiently confuted the answer, which I did make to the aforesaid authoritie of *S. Bernard*.

4 Thus therefore I answered in my *Apologie*,
 “ that the words of *S. Bernard* doe only signifie, that
 “ both the materiall, and the spirituall sword doe be-
 “ long in some sort to the Church, and are subiect vn-
 “ to hir, not for that the ciuill power is *per se*, and of
 “ it owne nature subiect to the Ecclesiasticall, or that
 “ the Church, hath by the law of God any power to
 “ vse the materiall sword euen in order to spirituall
 “ good, but because Christian Princes, being chil-
 “ dren of the Church, are bound (and consequently
 “ the Church may command them, and by Ecclesia-
 “ sticall Censures compell them therevnto) in de-
 “ fence

d N^o. 196. &
 seq.

e Num. 99.

"fence of their holy mother the Church, to vse the
 "temporall sword. Wherefore although the Church,
 "when she hath present need, hath power to command,
 "or forbid the vse of the materiall sword, or rather
 "without any positieue, or constitutiue command of
 "the Church Secular Princes are bound in that case
 "to vse it, yet it doth not therefore follow, that the
 "Church hir selfe hath dominion, right, or power to
 "vse the corporall sword, seeing that to command the
 "vse thereof, and to vse it hir selfe are farre different
 "things, as I haue shewed before. yea and the very
 "words of S. Bernard doe plainly shew as much.
 "For otherwise if the Church, that is, as shee consi-
 "steth of Ecclesiasticall power, should haue the do-
 "minion of the materiall sword, and might vse it in
 "order to spirituall good, it might by the law of God
 "be drawne forth and vsed, not only for the Church
 "but also by the Church, not onely with the hand
 "of the souldier, but also of the Priest, which neuer-
 "thelesse S. Bernard doth affirme to be against our
 "Sauours command, who commanded S. Peter to put
 "vp his sworde into the scabberd.

5 "Wherefore I doe not mislike that very ex-
 "position (if it be rightly vnderstood) which Card:
 "Bellarmine him selfe gathereth from those words of
 "S. Bernard, who in this very place, as you haue seen,
 "doth affirme, that S. Bernard, and Pope Boniface
 "did by those words signifie, that the Pope hath per se,
 "and properly the spirituall sword, (as a temporall
 "Prince hath per se, and properly the materiall sword)
 "and because the temporall power is subiect to the spiri-
 "tuali (not per se, but per accidens, to command tem-
 "porall things in order to spirituall good, but not to
 "punish temporally by way of coercion, but only spi-
 "ritually as I haue often declared) therefore the Pope
 "hath power to command or forbid a King the vse of the
 "temporall sword, when the necessitie of the Church doth
 "require it.

6 " Therefore the temporall sword according
 " to the opinion of *S. Bernard* doth belong to the
 " *Pope*, and is called *his sword*, for that, when the ne-
 " cessitie of the Church doth require, it is to bee
 " drawne forth for the Church, but not by the Church,
 " with the hand of the souldier, but not of the Priest, at
 " the becke indeede, or direction, of the Priest, but at the
 " command of the Emperour. By which last words
 " *S. Bernard* doth signifie, that the Emperour in v-
 " sing the temporall sword for the necessitie of the
 " Church is indeede to bee directed by the *Pope* (for
 " that the *Pope* ought to declare, when the Church
 " hath necessitie, but the vse it selfe of the sword doth
 " immediately depend vpon the Emperours command,
 " to whose command the souldiers in vsing the tempo-
 " rall sword are immediately subiect.

7 " But what if the Emperour shall refuse to vse
 " the temporall sword at the *Popes* becke, or direction?
 " Hath therefore the *Pope*, according to *S. Bernards*
 " opinion, power to draw it forth himselfe, or can the
 " Emperour by the *Popes* authoritie be deprived of the
 " dominion thereof? No truly. But because he doth
 " not keepe that promise, which he hath giuen to the
 " Church, and contrarie to the law of God hee doth
 " not relieue the necessities of the Church, the
 " Church hath power to punish him with Ecclesiasti-
 " call and spirituall punishments, as I haue often said.
 " Wherefore these words of *S. Bernard* doe nothing
 " fauour the *Popes* temporall power, or his power to
 " vse the temporall sword, but rather do directly con-
 " tradict it. And this very answer hath *Ioannes*
 " *Parisienfis** in expresse words &c. Thus I answered
 in my *Apologie*.

8 Now you shall see, how well *D. Schulkenius*
 replyeth to this my answer. I answer, saith he^e, that
 which my Aduersarie *Widdrington* first doth say, that both
 the swords doe belong to the Church, hee saith well, but
 that

* in Tract. de
 potest. Regia, &
 Papali cap. 11.
 f Pag: 386. ad
 num. 196.

that which hee addeth, that both the *smords* are *subiect* to the Church, he saith not well. For the *spirituall sword* to be *subiect* to the Church, doth signifie no other thing, then that the *Popes power* is *subiect* to the Church, which is manifestly false, whereas contrariwise it is to be said, that the Church is *subiect* to the *spirituall sword*, or to the power of the Pope, unlesse perchance Widdrington be of opinion, that the *Sheepheard* is *subiect* to his *sheepe*, and not the *sheepe* to the *Sheepheard*.

9 Marke now, good Reader, the cunning, not to say, fraudulent proceeding of this man. Hitherto he hath, as you haue seene, taken the Church, the Christian common-wealth, the mysticall bodie, or spirituall kingdome of Christ to be all one, and to be one totall bodie, consisting both of temporall, and spirituall power, and compareth hir to a man compounded of bodie and soule; And may it not, I pray you, be rightly said, that all the powers both of bodie and soule are *subiect* to man? and why then may it not also be rightly said, that the *spirituall sword* or power is *subiect* to the Church? But now forsooth this Doctor, that hee might take an occasion to charge me with a manifest fallshood, will not take the Church, as hee tooke it before for the whole mysticall bodie of Christ, which totall bodie includeth both the Pope, and all other inferiour members thereof; in which sense I did take the Church, when I affirmed, that not onely the *spirituall*, but also the *temporall sword* is in some sort *subiect* to the Church, but hee will take the Church for one part onely of this mysticall bodie, to wit, for all the members of the Church besides the Pope, in which sense the Church is indeed sometimes taken, as when the Church is compared with the Pope, and it is said, that the Pope is head of the Church; but when the Church is compared with Christ, and is said to be the mysticall bodie, and spirituall kingdome of Christ, the Church doth include both

both the *Pope*, and all other inferiour members thereof, who jointly make one roall bodie, whereof *Christ* is the head. And the very like is seene in the bodie of man; for when the bodie is compared with the head, the bodie doth not include the head, but when the bodie is compared with the soule, & said to be subiect to the soule, & that of the bodie & soule is made one man, then the bodie doth also include the head.

10. Wherefore taking the *Church*, as it doth signifie the whole mytticall body of *Christ*, in which sense both *Card. Bellarmine* himselfe, and also *S. Bernard* in this very place doe take it, when they affirme, that the *materiall sword* is to be drawne forth for the *Church*, and the *spirituall* by the *Church*, it is truly said, that the *spirituall sword* is subiect to the *Church*: Neither doth this signifie, that the *Popes* *spirituall power* is subiect to the *Church*, for now the *Church* is taken, as it excludeth the *Pope*, but rather that all *spirituall power*, which is in any member of the *Church*, is subiect to the whole body of the *Church*, and consequently to the *Pope*, in whom all the power of the *Church* according to *Cardinall Bellarmines* opinion, doth reside. And would not *D. Schulckenius* thinke, that I did cauilt, if I should say of him, as hee saith of mee, that he spake not rightly, when in this very place hee affirmeth, that *Christ* gaue to the *Church* both the *swords*. For the *spirituall sword* to be given to the *Church* doth signifie no other thing, to vse his own words, then that the *Popes* power was by *Christ* our *Sauour* given to the *Church*, which in *Card. Bellarmines* opinion is not only manifestly false, but also an erroneous doctrine.

11. I omit now, that the ancient *Doctors of Paris*, (who hold, that the whole body of the *Church* taken collectively, and not including the *Pope*, which a general *Councell* lawfully assembled doth represent, is superiour to the *Pope*) would not thinke to speake any falshood at all, if they should say, that *Christ* gaue all

the power, which the Pope hath, also to the Church, and that the Popes power is subiect to the Church, and that it doth not therefore follow, that the Pastour is subiect to the sheepe, or the superiour to the inferiour, but rather contrariwise. But in very truth this was not my meaning, when I affirmed, that both swords are in some sort subiect to the Church, for by the name of Church I vnderstood also the Pope, as I declared before

12. Secondly, when Widdrington affirmeth, saith D. Schulckenius, that the ciuill power is not per se subiect to the Ecclesiasticall, he doth corrupt the text of S. Bernard, and of Pope Boniface the eight. For when S. Bernard saith, that the materiall sword is the Popes, and is to bee drawne forth at his becke, and direction, he clearly confesseth, that the materiall sword is subiect to the spirituall sword, which Pope Boniface doth declare more plainly, when he saith, that the sword must be vnder the sword, and temporall authoritie subiect to spirituall power.

13. But how shamefully D. Schulckenius accuseth me of corrupting the text of S. Bernard, and Pope Boniface, let the Reader iudge; seeing that I neither add, nor diminish, nor alter any one word of their text, but doe say the very same words which they doe say. For S. Bernard doth say, that the materiall sword is the Popes, and doth belong to the Pope, but with this limitation, in some sort, to bee drawne forth for the Church, but not by the Church, with the hand of the Souldier, not of the Priest, at the becke, or direction, of the Priest, but at the command of the Emperour: and I also say the very same. But S. Bernard doth not say, that the materiall sword is subiect to the spirituall sword per se, but only in some sort, to be drawne forth for the Church, not by the Church &c. From which words it is plainly gathered, that the materiall sword, or temporall power is, according to S. Bernard, subiect to the spirituall, not per se, but per accidens, in spiritualls, not in temporalls, to be commanded in some case by the Priest, as he is a Priest

Priest, but not to be drawne forth, or vsed by a Priest as he is a Priest, but as he is a temporall Prince, or a publike, or priuate souldier. In like manner I say with Pope Boniface, that the sword is vnder the sword, and the temporall power is subiect to the spirituall, but Pope Boniface doth not say, that the sword is *per se* vnder the sword, and the temporall power is *per se* subiect to spirituall authoritie, and therefore, seeing that hee doth imitate S. Bernards words, as Card. Bellarmine here affirmeth, he is to be vnderstood in that sense, as S. Bernard vnderstood them, to wit, that the sword is vnder the sword, in some sort, and the temporall power subiect to the spirituall in some sort, to be drawne forth, or vsed for the Church, but not by the Church &c. as I now declared.

14. Thirdly, when Widdrington, affirmeth, saith D. Schulkenius, that the Church hath not by the law of God power to vse the materiall sword euen in order to spirituall good, he speaketh too ambiguously. For the law of God doth not command Ecclesiasticall men to vse with their own hand the materiall sword, neither doth it so forbid them, but that it is lawfull for them in some cases to vse it also with their owne hand: But neuerthelesse according to S. Bernards opinion Christ gaue both the swordes to the Church, and by this he gaue her power to vse the materiall sword in that manner, as doth befaem her, to wit, by the seruice, or hands of others, in directing Secular Princes, that they draw it forth, or put it in the scabard, as it is expedient to the honour of God, and the saluation of Christian people.

15. But my words are very plaine, and no whit ambiguous I say, that the Church, taking the Church, not materially, for all the members of the Church, but for Churchmen, formally as they are Churchmen, or, which is all one, for the Church, as it consisteth of Ecclesiasticall power, are according to S. Bernards doctrine commanded not to draw forth, or vse with their owne hands the materiall sword euen in order to spi-

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rituall good. For *S. Bernards* words are plaine, *why dost thou againe attempt to vse the sword, which thou wast once, not only counsell'd, but commanded to put vp into the scabard &c.* But if the *Pope* become a temporall Prince or a Priest do lawfully become a Soldier, to fight either in his own defence, or in the defence of others, which *Christ* did not forbid, although the Church in some cases hath forbidden it, neither I, nor *S. Bernard* doe denie, that the *Pope*, as he is a temporall Prince, or a Priest, as he is a lawfull Souldier, hath power to vse with their owne hands the materiall sword. Neither did *S. Bernard* euer grant, that the *Pope*, as he is *Pope*, or a Priest as he is a Priest, or, which is all one, by his spirituall, or Priestly authority, hath power to draw foorth, or to vse with his owne hands the materiall sword, although the *Pope* by his spirituall power may direct and command a temporall Prince to draw it foorth, and vse it, when the necessitie of the Church shall require, which onely *D. Schulckenius* in this paragraph doth affirme.

8 Pag. 337.

16. Fourthly, that is false, saith D. Schulckenius, & which Widdrington affirmeth, that the materiall sword in that onely sense doth belong to the Church, because Secular Princes being children of the Church are bound to fight in defence of the Church their mother. For S. Bernard doth grant much more to the Ecclesiasticall Prince, when he saith, Therefore it is also thine, to wit, the materiall sword. And beneath, Therefore both the spirituall and the materiall sword are the Churches, but the materiall sword is to bee drawn foorth for the Church, and the spirituall also by the Church, the spirituall with the hand of the Priest, the materiall with the hand of the Souldier, but truly at the becke, or direction of the Priest, and at the command of the Emperour. Where S. Bernard doth not only signify, that Souldiers or Princes are bound to draw foorth the sword for the Church, but also at the becke, or direction of the Priest.

Priest, that is, with subordination to the Ecclesiasticall power, as Souldiers ought to use the sword with subordination to the command of the Emperour.

17. But anie man who readeth ouer but sleightly my answer in that place, will easily perceiue, that this is a meere cauill, and also a plaine vnt ruth; for that in expresse words I doe affirme, that *Secular Princes and Souldiers* are, according to *S. Bernard*, to draw foorth, and vse the materiall sword for the necessity of the Church, at the becke, counsell, direction, yea, and command of the Priest, which is as much, as *D. Schulkenius* heere affirmeth *S. Bernard* to say; although *S. Bernard* did expressely distinguish betwixt becke and command, at the becke, saith he, of the Priest, but at the command of the Emperour; whereby it is manifest, that *S. Bernard* did not account becke and command to be all one, and consequently, hee did not approoue the same subordination to be betwixt *Secular Princes*, and the Priest in vsing the materiall sword, as is betwixt *Souldiers*, and the Emperour. For albeit *S. Bernard* by the name of becke did not onely understand aduise and counsell, which Christian Princes in all their weightie affaires concerning the Law of God and Christian Religion ought to demand of learned Priests, and who are skilfull in the Law of God, and Christian Religion, but also a command to fight, and vse the materiall sword in defence of the Church and Christian Religion, & to the obseruing of which command, Christian Princes may, as also I sayd, by Ecclesiasticall censures bee compelled, yet this command being a declaratiue command, which doth onely declare a former command of God, and nature, and doth not make a new bond, but onely declare and signifie a former obligation, may rather be called a becke-ning, and signifying, that Christian Princes are by the Law of God bound in that case to draw foorth, fight, and vse the materiall sword, then a true, proper, and constitutive

constitutiuē command, which doth not onely signifie, but also induce a new bond or obligation.

h Num. 8.

i 3. Par. q. 34.
mmb. 2. ar. 3.

18. And in this sense not onely *Ioannes Parisiensis*, whom I cited before, doth vnderstand those words of S. Bernard (*at the becke indeede of the Priest*) but also our learned Country-man *Alexander of Hales*, There is, saith he, ⁱ an authority to command, and an authority to beckon; in the authority to command it doth follow, he doth that thing by whose authority it is done, but in the authority to beckon this doth not follow. The authoritie to command wicked men to be slaine is in the Emperour, but the authoritie to beckon is in the Pope and Priests. And this beckoning, as hath beene sayd, is a preaching of the Law of God, and an exhorting, that Princes will obey the Law of God. Whereupon S. Bernard sheweth how both the materiall and spirituall sword are the Churches, and doe belong to the Church, not for as much as concerneth use or command, but for as much as concerneth beckoning: whereupon he speaketh in this manner to Eugenius, hee that denieth the materiall sword to be thine, seemeth to me not to regard sufficiently the word of our Lord saying, *Returne thy sword into thy scabard*, and so forth as it followeth in S. Bernard.

19. Wherefore, according to S. Bernard, the materiall sword is subiect to the spirituall, not absolutely, but in some sort to be beckoned, but not to be vsed or commanded, as beckoning is distinguished from command, by the Priest, as he is a Priest. And therefore that *Glosse*, which D. Schulckenius maketh of those words [*at the becke indeede of the Priest*] that is, saith he, with subordination to the Ecclesiasticall power, as Souldiers ought to vse the sword with subordination to the command of the Emperour, is verie vnttrue, & expressly against S. Bernards words; both because the Emperour hath power to command the souldier to vse the materiall sword, but the Priest according to S. Bernard hath onely power to beckon, but not to command the

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use thereof, and also because if the Souldier will not use the materiall sword at the Emperours command; the Emperour, as Emperour, may use it himselfe, and with his owne hand, which the Priest, as Priest, or, which is all one, the Ecclesiasticall power, according to S. Bernard, cannot doe; and moreouer because the Emperour, as Emperour, may compell the souldier with temporall punishments to use the materiall sword, and not onely depriue him of his power and right to use the same; but also of his temporall life, which the Priest, as Priest, or the Ecclesiastical power, cannot doe.

20. And therefore who would not maruaile to see D. Schulckenius so boldly, and in such publike writings to affirme, *That the question is not, whether the spirituall Prince hath dominion, right, or power to use the materiall sword: but onely, whether the sword be under the sword, and whether the temporall power bee subiect to the spirituall.* And whereas Widdrington, saith he, in this place confesseth, that the Church hath power to command, or forbid in time of necessitie the use of the materiall sword, from thence we doe gather that the sword is under the sword, and the temporall power is subiect to the command, and prohibition of the spirituall power, which onely Card. Bellarmine in that his second argument did intend. Wherefore Widdrington doth seeme to decline of set purpose the principall question. For, as wee haue often said, the question is not concerning the dominion, or use of the materiall sword, but concerning the power to direct it, and concerning the subiection of the materiall sword to the spirituall. But these in the opinion of S. Bernard are most manifest. And for as much as appertaineth to the use of the materiall sword, wee assent altogether to S. Bernard, that it doth not beecome Ecclesiasticall men to use the materiall sword, but onely the spirituall, and thus much onely those words of our Saviour doe signifie, Put vp thy sword into thy scabbard, and those of S. Bernard,

Why doest thou againe attempt to vse the sword, which once thou wast commanded to put into the scabbard? For beere it is not meant of the Law of God, by which Ecclesiasticall men are absolutely forbidden to vse the materiall sword; seeing that it is manifest, that in some cases, and especially in defence of themselves, and of their Countrey: this is lawfull, but of the command of God, by which Cleargie men are instructed, and taught, that their vocation is not to fight with the materiall, but with the spirituall sword. Thus D. Schulckenius.

24. But it is strange to see, how farre affection will carry the pens of learned men; In very truth I should neuer haue imagined, that D. Schulckenius, or any other learned man, who hath read my *Apologie*, would euer haue beene so bold, as to affirme, That the question betwixt me, and Card. Bellarmine is not, whether the Pope hath power to vse the materiall sword, but onely whether the sword be vnder the sword, and the temporall power subiect to the command, and prohibition of the spirituall power, and that this only was intended by Card. Bellarmine in his second argument. For first concerning the question betwixt mee, and Card. Bellarmine it is euident, that I haue oftentimes declared in my *Apologie*, and D. Schulckenius also setteth downe my words, that the true state of the question betwixt mee and Card. Bellarmine, is not concerning the Popes power to command, but to dispose of temporalls, nor whether the sword be in any manner whatsoever vnder the sword, or the temporall power in any sort subiect to the spirituall, but in what manner the sword is vnder the sword, and after what sort the temporall power is subiect to the spirituall. For I haue often granted, that the spirituall power, or the Pope as Pope, may command temporalls, and the vse of the materiall sword, and punish disobedient Princes with Ecclesiasticall censures: but that, which I vterly denied, was, that the spirituall power, or the Pope as Pope may dispose

pose of temporalls, use the materiall sword, or punish disobedient Princes by taking away their liues, kingdomes, or goods.

22. Secondly, it is also manifest, that Card. Bellarmine in his second argument did not onely intend to proue, that the temporal power is subiect to the command, and prohibition of the spirituall power, as D. Schutkenius affirmeth, but also, that the spirituall power may use, and dispose of temporalls, depose temporal Princes, and institute others, and constrain or punish with temporall punishments. For marke, I pray you, his second argument: In the first part thereof he argueth thus, *The power to use and dispose of temporalls (and consequently of the materiall sword which is a temporall thing) is necessary to the spirituall end, because otherwise wicked Princes might without punishment fauour Hereticks, and ouerthrow Religion, therefore the Church hath also this power.* And yet D. Schutkenius doth not blush to affirme, that Card. Bellarmine in his second argument did onely intend to proue, that the temporall power is subiect to the command, and prohibition of the spirituall power. And in the second part of his argument hee concludeth thus: *Therefore much more the spirituall common-wealth, hath power to command the temporall common-wealth, which is subiect vnto her, and to constrain her to change her gouernment, and to depose Princes, and to institute others, when she can not otherwise defend her spirituall good.* And in this manner are to bee vnderstood the words of S. Bernard, and Pope Boniface, &c. Thus Card. Bellarmine. So that according to Card. Bellarmine, S. Bernards words doe proue, that the Pope hath power not onely to command the materiall sword, but also to vse it, vnlesse the materiall sword is not to be comprehended vnder the name of temporalls. And therefore not I, but D. Schutkenius doth of set purpose decline the difficultie, and also

vntruly affirmeth, that Card: *Bellarmino* did not intend to proue in his second argument, that the Pope hath power to vse the materiall sword, but onely that the materiall sword is subiect to the command and prohibition of the spirituall power, seeing that Card: *Bellarmino*'s second argument doth most clearly shew the contrarie.

23 But marke now how clearly *D. Schulckenius* doth either contradict *S. Bernard*'s words and himselfe, or else towly equiuocate, and confirme the answer which I gaue to the authoritie of *S. Bernard*. I affirmed, that *S. Bernard*'s words are so to be vnderstood, that it is lawfull for Ecclesiasticall men, as they are Ecclesiasticall men, to command in some cases the vse of the materiall sword, but that to vse the materiall sword themselves, as they are Ecclesiasticall men, they are forbidden by the expresse command of Christ. Now *D. Schulckenius* affirmeth^k, that for as much as appertaineth to the vse of the materiall sword, he assenteth altogether to *S. Bernard*, that it doth not be-
 - seeme Ecclesiasticall men to vse the materiall sword, but onely the spirituall; and thus much onely those words of our Saviour doe signifie, Returne thy sword into the scabbard; and those of *S. Bernard*, why dost thou againe attempt to vse the sword, which once thou wast commanded to put into the scabbard? For here it is not meant of the law of God, by which Ecclesiasticall men are absolutely forbidden to vse the materiall sword, seeing that it is manifest, that in some cases, and especially in defence of themselves and of their countrey, this is lawfull, but of the command of God, by which Clergie men are instructed, and taught, that their vocation is not to fight with the materiall, but with the spirituall sword. Thus *D. Schulckenius*.

24 But if *D. Schulckenius* meane that Ecclesiasticall men are onely for decencie, which implyeth no command, not to vse the materiall sword, he plainly
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contradicteth *S. Bernard*, to whom neuerthelesse hee affirmeth altogether to assent, who expressely auer-
 reth, that the *Pope* in *S. Peter* was not only counsailed,
 but commanded not to vse the materiall sword. And
 therefore *S. Bernards* words can not otherwise be vn-
 derstood, but that Ecclesiasticall men, as they are
 Ecclesiasticall men, and the *Pope*, as *Pope*, are by the
 command of *Christ* absolutely forbidden to vse the
 materiall sword; for *S. Bernard* did not intend to
 affirme, that Ecclesiasticall men, if they become
 temporall Princes, or being considered, as they are
 priuate men, or citizens, and parts, or members of the
 temporall common-wealth, are by the command of
Christ forbidden to vse the materiall sword, and to
 fight in defence of their owne persons, or of their
 Countrey.

25 Wherefore those last words of *D. Schulkenius*,
 to wit, that *S. Bernards* saying is to be understood of the
 command of *God*, by which *Clergie* men are instructed,
 and taught, that their vocation is not to fight with the
 materiall, but with the spirituall sword, are somewhat
 equivocall. For if *D. Schulkenius* doe onely under-
 stand of such an instruction, which implyeth no com-
 mand of *Christ*, but onely a certaine decencie, coun-
 sell, and aduise, for that it doth not beleeue the per-
 fection of those men, who haue a spirituall vocation,
 to fight with the materiall sword, hee plainly contra-
 dicteth himselfe, and also *S. Bernard* himselfe; for
 that hee acknowledgeth a command of *God*, whereby
Clergie men are instructed &c. but this instruction
 supposeth no command of *God*; *S. Bernard* also he
 contradicteth, who expressely speaketh of a command,
 whereby Ecclesiasticall men are by the law of *Christ*,
 and not only of the Church forbidden to vse the ma-
 teriall sword, which command of *Christ*, as I said be-
 fore, can bee no other, then that Ecclesiasticall men
 can not, as they are Ecclesiasticall men, vse the mate-

riall sword; for that although the Ecclesiasticall power doth according to *S. Bernard* and the truth, extend to the *beckoning*, or declaratiue commanding of the materiall sword in some cases, yet it doth not extend to the vsing thereof, but this power to vse the materiall sword doth proceed from the law of nature, or the ciuill power, who doe giue authoritie to euery man, whether he be a Clerke, or Laike in case at least wise of necessitie, to vse the materiall sword in defence of his owne person, or of his countrey. And if *D. Schulckenius* only intend to signifie thus much by those last words of his, which in very deede can not be otherwise vnderstood, vnlesse wee will make them repugnant to themselues, hee doth fauour, not contradiet, confirme and not impugn my answer.

26 *Fifthly*, obserue, good Reader, how cunningly *D. Schulckenius* would shift off the last, and principall Answer, which I made to the authoritie of *S. Bernard*. I granted, as you haue seene before, that the Pope, as Pope, hath, according to *S. Bernard*, power to *beckon*, or command the Emperour to vse the materiall sword, when the necessitie of the Church shall require and to punish him with Ecclesiasticall punishments, if he shall refuse to obey his iust command, or *becke*, and I affirmed, that this is the most, that can be gathered from those words of *S. Bernard*. But if the Emperour should refuse to vse the materiall sword at the Popes command, or *becke*, I affirmed, that it could not be inferred from that authoritie of *S. Bernard*, that the Pope, as Pope, could vse it himselfe, or deprive the Emperour of his temporall dominion, or power to vse the materiall sword; for this were to vse, and to dispose of temporalls, and implyeth a power to vse, and draw forth the materiall sword it selfe, which *S. Bernard* expressely denyeth to the Pope: and that therefore *S. Bernard*s authoritie doth nothing fauour, but clearly contradict the Popes power, I doe not say, to
 their
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 command

command temporalls, but to dispose of temporalls, and to vse temporalls, as *Ioaunes Parisiensis*, and *Alexander of Hales*,¹ did before affirme. Now to this my answere *D. Schulckenius* replyeth^m in this manner.

27. Thou didst runne well, who hath hindered thee so soone not to obey the truth? For now thou dost not follow *S. Bernard*, but *Williams Barclay*, archy Master. If that the Emperour shall refuse to vse the sword at the becke of the Pope in great necessitie of the Church, it is not indeed fitting for the Pope to vse the materiall sword, but hee hath power to constrain the Emperour, first with Ecclesiasticall punishments, and afterwards also by depriving him of the sword, as in the like case the Councell of Lateran often cited doth teach, which one Councell is to be preferred before all the Barclaies, or Iohns of Paris, all men doe thinke, who are not mad.

28. Is not this thinke you a true answere? The question betwixt me, and Card. *Bellarmino* in this place was not concerning the Councell of Lateran, whereof I will treat beneath,* and plainly shew, that, notwithstanding all the clamours of my Aduersaries, the said Councell hath neither defined, or supposed for certaine, may or supposed at all, that the Pope hath power to depole Soueraigne Princes, as *D. Schulckenius* doth here collect from thence, but the question was onely concerning the authoritie of *S. Bernard*. And I prooued clearely out of *S. Bernard*s wordes, that although the Pope, as Pope hath power to command, or forbid in some cales the vse of the materiall sworde, yet that he hath power, as he is Pope, to vse it himselfe, or to deprive the Emperour of the vse thereof, which implyeth a power to vse it himselfe, this I said could not be proued, but rather the contrarie out of those words of *S. Bernard*, who doth not only say, that it is not fitting for the Pope to vse the materiall sword, as *D. Schulckenius* would mince his words, but that it is forbidden the Pope to draw forth, or vse the materiall sword.

1 Num. 18.
m Pag. 393.

* Part. 3. cap. 9.
& seq.

sword. Now D. Schulckenius passeth ouer S. Bernard, and flyeth to the *Councell of Lateran* to proue, that if the *Emperour* refuse at the *Popes* command to vse the materiall sword, he may by the *Popes* authoritie bee deprived of the vse thereof, whereas the present question was only concerning the opinion of S. Bernard, and not what was the doctrine of the *Councell of Lateran* in this point, whose authoritie I doe as much respect either as Card. *Bellarmino*, or any other Catholike is bound to doe. But it is an easie matter to wrest the words of the *Councell of Lateran*, or any other to their purpose, contrary to the true meaning of the *Councell*, and then to crie out, *o the Councell of Lateran, which is to be preferred before all Barclaies, and Widdringtons &c.* whereas we doe as much respect the authoritie of the *Councell of Lateran*, or any other, as they do, although we doe not so much respect their ouer wrested collections, which they to serue their owne turnes, doe gather from any *Councel*, or text of holy *Scripture*, contrarie to the plaine, proper, and true sense and meaning of the words. But to such shiftings, and windings euen learned men are sometimes brought, when they will make their vncertaine opinions, and priuate expositions of holy *Scriptures*, or *Councells* to be infallible grounds of the Catholike faith.

29. Lastly, but the foundation, saith D. Schulckenius, of Widdringtons error is, for that he thinketh, that the Pope hath authoritie to constrain the *Emperour* by reason of the faith, and free promise, which the *Emperour* gaue, and made to the Pope, according to the similitude, which a little before he put concerning one, who promised an other to spend his life, and all his goods in defence of him. But this foundation is false, because the authoritie of the Pope ouer *Christian Princes* doth not proceed from their onely promise, or faith, which they haue giuen, but from the law of God, by which law the Pope is made by Christ the *Pas*teur of all his flocke, the chiefe of all his familie, the head

of

of all his body, and the Rector of all his Church. Wherefore it is no marvaile, if from a false foundation he conclude a falshood, to wit, that S. Bernards words do not onely, not favour the Popes temporall power, but are flat contrarie to it. What I beseech you, could be spoken more cleerly for the Popes temporall power, then that which S. Bernard said, that the temporall sword is the Popes, and that both swords are the Churches, and that the temporall sword ought to be drawne forth at the Popes becke? And as for Ioannes Parisiensis there is no great reckoning to be made of him whatsoeuer he saith, both for that he is repugnant to the Councell of Lateran, and many others, and also that other his errors are condemned by the Church in the common Extrauagant, Vas electionis, and lastly, for that either he denieth only the Popes direct power in temporalls, or else he doth plainly contradict himselfe.

30. But truly it is strange, that learned men, and who pretend to maintaine nothing but truth, dare aduenture to auouch so bouldly, and in such publike writings to manifest vntruths, and which they themselves in their consciences can not but see to be plain, and palpable vntruths. I very often, and that of set purpose did affirme in my *Apologie*, and D. Schulckenius doth also set downe my words, that the Pope, as Pope, hath power to command temporall Princes in temporalls in order to spirituall good, and yet this man to make his Reader belecue, that I doe teach flat heresie, blusheth not to affirme in another place, that I deny, that the Pope, as Pope, hath power to commaund temporall Princes in temporalls in order to spirituall good. So likewise, I did oftentimes in my *Apologie* affirme, and D. Schulckenius doth also set downe my words, that the Pope, as Pope hath power by the law of God, and for that he is appointed by Christ to be the supreme spirituall Pastour of the Catholike Church, to constrain and punish all disobedient Christians both Princes and people, with spirituall and Ecclesiasticall punishments;

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n Pag. 356.

o Num. 90. 91.
181. 223. 341.

and yet now this man to perswade his Reader, that I teach heere a manifest error, is not ashamed to affirme, that I am of opinion, that the Pope hath authoritie to constraine the Emperour in regard onely of the free promise, which the Emperour hath made to the Pope. And therefore D. *Schulokenius* neither dealeth truely nor sincerely, and both deludeth his Reader, and also wrongeth mee, in affirming that to bee my doctrine, which I expressely impugne, and that to be the foundation of my opinion (which hee is pleased to call an error) which I in expresse words, and that oftentimes haue denied.

21. For as I doe willingly grant, that although a temporall Prince hath power to command, and with temporall punishments to compell, if neede require, his temporall subiects to make, and sweare an expresse promise of that true faith, loyalty and temporall allegiance, which by the Law of God and nature they doe owe to their lawfull Prince, yet I doe not affirme, that a temporall Prince hath power to constraine his rebellious subiects by vertue onely of the promise, which they haue made, but by vertue of his supreme temporall power which hee hath, as hee is a supreme temporall Prince by the Law of God and nature; So also I do willingly grant, that although the Pope hath power to command, and with spirituall punishments to compell, if neede require, all Christian Princes and people to make and sweare an expresse promise of that true faith, loyalty and spirituall allegiance, which as they are Christians and members of the mysticall body of Christ, they doe owe by the Law of God to the supreme spirituall Pastour and visible head of this mysticall bodie and Church of Christ, and the Emperour at his coronation taketh such an oath, neuertheless I doe not affirme, that the Pope hath power to constraine and punish disobedient Princes, and people by vertue onely of the promise, which they haue made.

made to the *Pope* of their spirituall obedience, but by vertue of his supreme spirituall power, which he hath by the Law of God, and his Pastorall authority giuen to him by our Sauour *Christ Iesu*.

32. True it is, that the Reader might the better vnderstand, that to command one to vse a temporall thing, and to vse it himselfe, to command one to dispose of temporals, and to dispose of them himselfe, are very different things, and that the one doth not necessarily follow from the other, I brought a familiar example of one, who either by promise, or by some other obligation (and yet D. *Schulckenius* taketh hold onely of the promise, and cleane omitteth the other obligation) is bound to dispose, and giue his goods, or life at anthers command, who notwithstanding this promise, or other obligation, doth still keepe the property, dominion and right ouer his goods and life, in such sort, that the other cannot by vertue of his commanding power, which he hath ouer him and them, take them away and dispose of them without his consent, but if hee will not dispose of his goods at the others command, according as by vertue either of his promise, or of some other obligation he is bound to doe, the other may complaine to the Magistrate, that hee will punish him for his offence, or cause him to performe his promise, so far forth as the coerciue power of the Magistrate doth extend. From which I concluded, that considering to haue a power to command the vse of the temporall sword, and to haue a power to vse it, or to deprive of the vse thereof, are two different things, neither doth one necessarily follow from the other, although the *Pope*, as *Pope*, hath according to S. *Bernard*, power to command the *Emperour* to vse the temporall sword, yet it doth not therefore follow that if the *Emperour* will not vse the temporall sword at the *Popes* command, the *Pope*, as *Pope*, can vse it himselfe, or deprive the *Emperour* of the vse thereof,

thereof, which implieth a power to vse the same, but onely, that the *Pope*, being a spirituall Prince or Pastour, may punish the Emperour for his contempt with spirituall punishments, which only doe belong to the coerciue power of the supreme spirituall Prince & Pastor of the spirituall kingdome & Church of *Christ*.

33. Thus therefore you haue seen, that *S. Bernard* doth nothing fauour, but it is rather flat contrarie to the *Popes* power to vse the temporall sword, neither could he scarce speake more cleerely against the same, then he hath done. For although it be cleere, that the temporall sword is, according to *S. Bernard*, the *Popes* in some sort, and doth belong to the Church in some sort (which words [in some sort] *D. Schulckenius* heere cunningly omitteth) and that in some cases it must be vsed at the becke, direction or declaratiue command of the *Pope*, yet the aforesayd limitations of *S. Bernard* that it is the *Popes*, and belongeth to the *Pope* in some sort, that it is to be vsed for the Church, but not by the Church, with the hand of the Souldier, and not of the Priest, at the becke indeede of the *Pope*, but at the command of the Emperour, and that our Sauour commanded, and not only counselled *S. Peter* to put up his sword into the scabard, do plainly shew, that, according to *S. Bernard*, the *Pope* as *Pope*, cannot vse the temporall sword, nor constrain a temporall Prince by, vsing temporall punishments, which doth imply a power to vse the temporall sword.

p Num. 18.

34. And for *D. Barclay*, and *Iohn of Paris* (to omit our learned Country-man, *Alexander of Hales*, whose words I related before) who doe giue the very same answere, which I haue given to the aforesaid words of *S. Bernard*, of whose authoritie although *Card. Bellarmine*, heere doth make very small reckoning, yet I do plainly confesse, that in this controuersie concerning the *Popes* authoritie to vse the temporall sword, and to dispose of all temporals in order to spirituall good, I doe more regard their authoritie, then I doe

I doe Card. *Bellarmines*, speaking with all dutifull respect, forthat in my opinion they haue handled this question more soundly, more cleerely, and more sincerely then he hath done. Neither is their doctrine repugnant to the *Councell of Laterane*, but onely to the particular expolition, which som few especially of late yeeres (who haue scraped together all the authorities of Fathers, Councells, Scriptures, facts, and decrees of *Popes* which may seeme any way to fauour the *Popes* temporall authoritie) haue wrested out the words of the said *Council*, contrarie to the plaine sense of the words, and the common vnderstanding of all ancient Diuines, who neuer vrged this authoritie of the *Councell of Laterane*, although it hath beene so long publikely extant in the body of the *Canon Law*. But it is now adaies a common fault euen among Catholike Diuines, and those also, who, not perceiuing their owne error, doe accuse others of the same, to alleadge, in confirmation of their opinions, the holy Scriptures, and sacred Councils vnderstood according to their owne priuate spirit and meaning, and then to cry out against their brethren, who mislike their opinions, that they haue the holy Scriptures, and sacred Councils on their side, and that therefore their doctrine is of *faith*, and the contrary *hereticall*, and that their *Aduersaries* doe oppose themselves against the holy Scriptures, and decrees of the Catholike Church, whereas wee doe regard, with all dutifull respect the holy Scriptures, sacred Councils, and decrees of the Catholike Church (the authority of which consisteth in the true and authenticall sense, & not in the letter, or in the expolitiō of any priuate Catholike Doctour, which expolition others doe contradict) and do oppose our selues only against their vncertaine opinions, and expolitions of holy Scriptures, or sacred Councils, grounded vpon their priuate spirit and vnderstanding, contrary to the true,

q Part. 1. ca. 3.
m. 7. & seq.

r Lib. 5. de Rē.
Pont. cap. 1.

proper, and plaine meaning of the words.
35. And although this *Ioannes Parisiensis*, or rather another *Iohn* of *Paris* living at the same time, and surnamed *de Poliac*, as I said before q, was cōpelled to recall in open Consistory, at *Auinion* before *Pope Iohn* the 22. certain errors, which he maintained cōcerning confession, and absolution (of whose authoritie neuertheless Card. *Bellarmino* in the latter Editions of his controuersies; notwithstanding those his errors, maketh somerekening, seeing he citeth him as a *Classicall Doctour* in fauour of his opinion^r) yet this rather confirmeth mee in my opinion. For if his doctrine, which denieth that the *Pope*, as *Pope*, hath power to depriue iuridically, and by way of sentence, temporall Princes of their dominions, and to vse the temporall sword, had beene thought in those daies to haue beene *hereticall*, or *erronious*, as now Card. *Bellarmino*, and some few other Iesuites will needes haue it to be, it is like, that he should also haue beene compelled to recall that doctrine, and that those learned Authors, who write of heresies, as *Alphonfus de Castro*, *Prateolus*, *Genebrard*, *D. Sanders*, and others would for the same haue taxed him, and *Marcellinus* of *Padua* (as also *Albericus*, and those many Schoolemen and Doctours, related by *Trithemius* and *Almaine*, who did defend the same doctrine) with some note of *heresie*, or *error*, which seeing they haue not done, it is a manifest signe, that they did not account that doctrine for *hereticall*, or *erronious*, & that the decree of the *Council* of *Lateran*, which was long before any of these mens daies, and which was also so publicke and registred in the corps of the Canon Law, was not in those times vnderstood in that sense, as Card. *Bellarmino* now of late (for before in his controuersies he made small reckoning of that authority, for that he cleane omitteth that decree: yet bringing many particular facts of Popes, yea & of *Pope Innocent* the

the third, in whose time, and by whose authoritie that Councell was held) and some few others without sufficient prooffe, as I will shew beneath, will needes haue that decree to be vnderstood.

36. Neither is that true, which D. Schulkenius affirmeth, that Ioannes Parisiensis (in acknowledging, That when the Pope doth becke, the Emperour ought to exercise the iurisdiction of the secular power for the spirituall good. But if hee will not, or if it doth not seeme to him expedient, the Pope hath no other thing to do, because he hath not the materiall sword in command, but onely the Emperour, according to S. Bernard) dooth either speake of the direct power of the Pope to vse the materiall sword, or else contradict himselfe, when afterwards hee writeth, that the Pope may per accidens, depose the Emperour, by causing the people to depose him. For Ioannes Parisiensis in that his Treatise, de potestate Regia & Papali, doth expressely impugne both the direct, and indirect coerciue power of the Pope to punish by way of sentence, and iuridically with temporall punishments, affirming, as D. Schulkenius also himselfe heere relateth, that Excommunication, or some such like spirituall punishment is the last, which an Ecclesiasticall Iudge can inflict. For although it belongeth to an Ecclesiasticall Iudge, to bring men backe to God, and to withdraw them from sinne, yet he hath not this, but according to the way or meanes giuen him by God, which is by excluding from the Sacraments and the participation of the faithfull.

37. Neither doth Ioannes Parisiensis therefore contradict himselfe in affirming, that the Pope may depose per accidens by meanes of the people. For although he be of opinion, as I shewed before, that the people haue in some cases a coerciue power ouer their Prince and in some cases may depose him, and consequently the Pope may in those cases, if it be necessarie to the good of the Church, command the people, and with spirituall punishments compell them to vse their coerciue

[Part. 3. ca. 9.
& seq.

t Part. 1. ca. 2.

u in my Apo-
logie nu. 411.
and here part:
1. cap. 3. nu. 5.

ercive power, and so the Pope may be said to depose a Prince *per accidens* by meanes of the people, with which philosophicall question I will not at this time, as I often said, intermeddle, yet concerning the Popes coercive power to vse him selfe the temporall sword, or to depose the Emperour by way of iuridicall sentence, (which is not repugnant to his authoritie to depose by meanes of the people, if the people haue any such authoritie to depose, which many learned Diuines, to whose opinion the ancient Fathers seeme to assent as I haue signified heretofore doe denie,)

^u *Ioannes Parisiensis* is cleane opposite to Card. *Bellarmines* opinion, and expressely affirmeth, that the Pope hath no power to deprive *iuridically*, or by way of sentence, temporall Princes of their kingdomes, but only to inflict by way of *coercion* or constraint Ecclesiasticall or spirituall Censures. And thus much both concerning my answer to *S. Bernards* authoritie, and also the Reply, which *D. Schulckenius* hath made therevnto.

38 Now to the authoritie of Pope Boniface the 8. I answer first that his words are to be vnderstood in that sense, as I expounded *S. Bernard*, whom hee, as Card: *Bellarmines* affirmeth, did imitate, to wit, that the temporall power is in order to spirituall good, or, which is all one, in spirituall things subiect to the command of the spirituall power, and that shee is to be instructed by the spirituall, not absolutely in temporall gouernment, but in Christian faith and religion, and that if shee goe out of the way, or erre in things belonging to Christian faith and religion, shee is to be iudged by the spiritual, but with spirituall not temporall punishments. And in this sense it is very true, that the sword is under the sword, and the temporall power is subiect to the spirituall, but by this it is onely signified, that temporall Princes are in spiritualls, but not in meere temporals, subiect to the spirituall command,

mand, and spirituall correction of spirituall Pastours.

39 Secondly, although Pope Boniface should vnderstand those words in this sense, that temporall Princes are, not onely in spiritualls, but also in temporalls subiect to the Popes power both to command, and also to punish temporally, yet his authoritie herein, as he is Pope, (for as he is a priuate Doctor, it is no greater then of other Doctors) is not of any great weight; considering first, that, as well obserueth D. Duvall*, a learned Schoole-Diuiue, & one of the Kings Readers in the Colledge of Sorbon, although Pope Boniface doth make mention both of the spirituall, and temporall sword, and in the progresse of his Constitution doth say, that the temporall sword is vnder the spirituall, yet in the definition or conclusion (which chiefly as in the decrees of Councells is to be regarded, seeing that this onely bindeth to beleene) this onely hee pronounceth in generall, but we declare, say, define, and pronounce, that it is necessarie to the saluation of euery humane creature to be subiect to the Bishop of Rome. But in what manner all men must be subiect, it is not expressed in this definition; and therefore not to contradict this definition it is sufficient to affirme, that all men must in spiritualls bee subiect to the Popes power to command, and to punish spiritually.

40 Secondly, for that this Extrauagant was recalled by his Successour Pope Clement the fift, in cap. meruit, de privilegijs, wherein hee declareth, that no preiudice shall arise to the King of France by that Extrauagant of Pope Boniface, but that all things shall be vnderstood to be in the same state, as they were before that definition, as well concerning the Church, as concerning the King, and Kingdome of France. Thirdly, for that all the authorities, which hee bringeth from holy Scriptures to proue, that the Pope hath both the temporall and spirituall sword, doe proue only, that the Pope is the spirituall Pastour of the Church, and hath

x De suprema
Rom. Pont.
potest. part. 2
7.4. pag. 262.
263.

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spirituall power to binde, and loose, to iudge and punish spirituallly, as, *whatsoener thou shalt binde on earth &c.* and a spirituall man doth iudge all things, and he is iudged by none, which place some Catholike writers expound of publike and authenticall iudgments: For all the other places of holy Scripture, which Pope Boniface alledgeth, are either taken in the mysticall, and not in the literall sense, as those, *behold two swords here, and put up thy sword into the scabard*, but from the mysticall sense no forcible argument can bee drawne, as all Diuines doe grant, to proue any doctrine, vnlesse to haue that mysticall sense it be declared in other places of holy Scripture, or else they make nothing to the purpose, as are those words, which God spake to the Prophet Ieremie, *Behold I haue appointed thee this day over the Gentiles, and over Kingdomes, that thou maiest plucke vp and destroy, and waste and dissipate, and build and plant, not to destroy nations, and kingdomes, and raise vp others, but by his preaching to plant virtues, and destroy vices, as S. Hierome expoundeth, and by foretelling the destruction of Kingdomes and Nations, if they doe not repent, and their increase and saluation if they will bee converted. Neither is the Pope S. Ieremies Successour in the spirit of prophesie, neither doe wee read, that Ieremie destroyed any kingdom, although he fulfilled all that, which he was appointed to do by Alm: God.*

41. *It is the same, saith Andreas Capella vpon this place, to appoint him over the Gentiles, and to giue him a Prophet in the Gentiles, as he said before. I giue thee power and authoritie, saith God, to declare and foretell in my name, as my Prophet, the ruines and wastings of the Gentiles, and of Kingdomes. That thou threaten my enemies, whom in their Countrey I haue planted, placed, confirmed, erected: that I will abolish them with captiuities, vnlesse they will repent. And contrariwise, that I will build them, and plant them againe, that is, restore to their ancient state, them*

them whom I shall destroy and abollish if they will acknowledge their finnes. And in these words all the charge of Ieremie is comprehended, and the matter of this whole booke is declared. For it is a prophetic of the destruction of the City, and temple, and of the captiuitie of the people, and of their returne from captiuitie, and of the reedifying of the temple and City, and of the overthrow of other nations, and kingdomes. Thus Capella. And the same exposition of these words hath the Glosse vpon this place Besides Pope Boniface in this Extrauagant alledgeth for Scripture that, which is no Scripture, to wit, for the truth testifying the spirituall power hath to institute or instruct the earthly power, and to iudge it if it shall not be good, which words are not to be found in the holy Scripture.

42. Lastly, there is no more account to be made of the authoritie of Pope Boniface the eight for this his doctrine in this point, touching the Popes temporal authoritie ouer temporall Princes, if we take him, as a priuate Doctour deliuering his opinion, then of an other Doctour, as well learned as he was, who holdeth with the Canonists, that the Pope is direct Lord & King of the world not only spirituall, but also temporall; for that Pope Boniface was of this opinion, that the Pope hath direct power not only in spiritualls, but also in temporalls. Whereupon he wrote to Philip the faire, King of France, that he was subiect to him in spiritualls and temporalls, and that all those, who should hold the contrary be reputed for heretikes: and that the kingdome of France by reason of the Kings disobedience was false to the Church For which words Pope Boniface is taxed by Ioannes Tilius^x Bishop of Meldune, by Robertus Guagninus^y, by Platina^z, and others, of great pride, impudencie and arrogancie. Whereupon Paulus Aemilius (who doth otherwise greatly fauour Pope Boniface) writeth thus: * Pope Boniface did add, at which all men did marmeile, that the King of France ought to reuerence the Pope not only in sacred manner, and by Episcopall rights, as a Father

x In Chron. ad annum 1302.

y Lib. 7. in Philippo Pulch.

z In vita Bonifacii octau.

* In Philippo Pulchro.

of our soules, but he ought also to acknowledge him, as his Prince by ciuill Iurisdiction, and in prophane matters and dominion. All this being considered, as also, that all the words of that *Extravagant* are so generall, that they may be vnderstood as well, if not better, of the *Popes* direct dominion in temporalls, as of his indirect power to dispose of temporalls, which is only in order to spirituall good, what great reckoning is to be made of this cōstitution of P. *Boniface*, it being withal reuerfed by P. *Clemens* the 5. who next but one succeeded him, I remit to the cōsideration of the iudicious Reader

Chap. 10. Wherein the similitude of Pope Innocent the third, who compareth the spirituall and temporall power to the Sun & Moone, is examined.

1. **T**He sixth, and last argument, which Card. *Belarmine* bringth to proue the subiection of the temporall power to the spirituall, is taken from the authority of Pope *Innocent* the third, who in cap. *Solita* de maioritate & obedientia doth wel, saith he, ^a compare the spirituall & temporall power to the Sun & Moone. Therefore as the moone is subiect to the Sun, for that she receiueth light from the Sun, & the Sun is not subiect to the Moone, for that the Sun receiueth nothing from the Moon, so also a king is subiect to the Pope, & the Pope is not subiect to a king

2. But first this similitude doth not proue, that the temporall power it selfe is subiect to the spirituall, or, which is all one, that a temporall King is subiect to the Pope in respect of his temporall power, which he doth not receiue from the Pope, but in respect of the light of faith, which a temporall King receiueth from the spirituall power. And therefore as the Moone, when she is eclipsed, & in opposition to the Sun, doth not loose that little light, which, according to the doctrine of the Philosophers and astronomers, she hath of her owne nature, and not deriued from the Sunne, so temporall Princes, when of Catholikes or Christians they be-

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a In tract. contra Barclie. 13. in fine.

come heretikes, or infidells, and are in opposition to the Pope, do not loose their temporall power, and the light of naturall reason, which they receiue not from the Pope, but only the light of faith and grace, which they did receiue from the spirituall power.

3. Secondly, that, which Card. Bellarmine affirmeth, *that the Pope receiueth nothing from temporall Princes is very untrue*, and therefore in this point also that part of the similitude is not fitly applyed. For the Pope hath receiued from temporall Princes all his temporall dominion, iurisdiction, and temporall sword, and the whole patrimonie of S. Peter, wherein, as the same Pope Innocent affirmeth, ^b *he doth now exercise the power of a supreme temporall Prince*. Neither is it only true, that temporall Princes are in spiritualls subiect to the spirituall power of spirituall Pastours, from whom they receiue spirituall light, and supernaturall directions by the holy Scriptures & Ecclesiasticall lawes, by which they may see how to liue like good Christians, and to attaine to life euerlasting, but it is also true, that spirituall Pastours, as inferiour Bishops and Cleargie men are in temporals subiect to the temporall power of temporall Princes, from whom they receiue the increase of naturall light, and ciuill directions by ciuill and temporall Lawes, by which they may see, how to conuerse ciuilly among themselves and other men, and to attaine to temporall peace and quietnesse in the ciuill common-wealth.

4. Whereupon well sayd S. Ambrose, ^c *If thou wilt not be subiect to Caesar, doe not haue wordly things, but if thou hast riches, thou art subiect to Caesar*. For all men, saith Astenfis, ^d *are subiect to the Emperour, Lay-men in temporals, and Cleargie men, who doe receiue from him temporals*. And Gratian the Compiler of the first and most ancient part of the Canon Law, called the Decree, writeth thus: ^e *Cleargie men by their office are subiect to the Bishop, by the possessions of farmes or mannours*

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b In cap. per venerabilem qui filij sint legitimi.

c Lib. 10. in Lucā. cap. 20.

d In summa lib. 2. tit. 39.

e Causa 11. q. 1. cap. 11.

f Cap. 6. nu. 13.
14. 15. & cap.
7. nu. 12. 13.

they are subiect to the Emperour. From the Bishop they receiue vntion, robes and first fruits, from the Emperour they receiue possessions of farmes or manours. Therefore because by the Emperiall Law it is made, as he prooueth out of S. Austin, that farmes be possessed, it is manifest that Cleargie men by the possessions of farmes are subiect to the Emperour. See also aboue f many other Catholike Authours who doe affirme that Cleargie men are subiect to the directiue power of temporall Princes. Neither doth Pope Innocent in the aforesayd Chapter denie, but in expresse words affirme, that the Emperour is superiour to those, who doe receiue from him temporals; And therefore this similitude of the Sunne and Moone doth not prooue, that the temporall power is subiect to the spirituall, or, which is all one, that temporall Princes are in temporals, or as they haue temporall power, subiect to spirituall Pastours, but it rather prooueth the flat contrarie.

g Lib. 2. de Ro.
Pont. cap. 29.
h Lib. 5. hierach
Eccles. cap. 7.

i Lib. 2. de Rom.
Pont. cap. 29. &
lib. 5. cap. 3.

k Pag. 16.

5. Yea and Card. Bellarmine himselfe, ^{edid} for many years together hold with Albertus Pighius, ^h that it is the more probable opinion, that S. Paul. (& consequently the rest of the Apostles) was subiect in temporals to Caesar, not only de facto, but also de iure; from whence supposing another true & vndoubted principle granted also by Card. Bellarmine, ⁱ that the Law of Christ doth deprive no man of any his right or dominion, it necessarily followeth, that if infidell Princes haue rightfull power and dominion, or iurisdiction ouer Cleargie men, there is no repugnance, but that they may keepe the same power, and iurisdiction ouer Cleargie men, although they become Christians. But Card. Bellarmine hath now forsooth in his Recognitions recalled that opinion. I doe not now approoue, saith he, ^k that which I said with Albertus Pighius, that S. Paul did appeale to Caesar, as to his lawfull Prince. And therefore I do persist in the former answer, that S. Paul was subiect to Caesar de facto, not de iure, and did appeale to him, not as his owne Superiour,

Superiour, but as to the Superiour of the President of Iewry, and of the Iewes, by whom he was wronged. For otherwise he could not free himselfe from that vniust iudgement and danger of a most vniust death, but by hauing recourse to their Prince and Iudge, which hee himselfe did signify Acts 28. when he saith, I am constrained to appeale to Caesar.

6 If Card. Bellarmine hath vpon sufficient ground recalled either this, or any other of his former opinions, he is truly therefore much to be commended, as likewise is S. Austin, for making his booke of *Retractions*. But if he should without sufficient ground not onely recall this opinion, which he for aboute twentie yeeres together in publike print, and for many yeeres before in publike writings had defended for the more probable, but also condemne it for improbable, it being also the common opinion of Diuines, any man might iustly imagine, that affection, not reason moued him thereunto. I doe not approue, saith he, ^l in his Recognitions, that which I said in that place with Albertus Pighius, that S. Paul did appeale to Caesar as to his lawfull Prince. But in his booke against D. Barclay hee goeth much farther. I haue admonished, saith he, ^m in the Recognition of my writings, that the opinion of Pighius, which in times past I did follow, is improbable, and that with better Doctours it is to be affirmed, that the Apostles were exempted de iure from all subiection to earthly Princes.

7. But truly I cannot but maruell, that Card. Bell. could be so much ouerseen, as to affirm, that he did admonish in his Recognitions, that the opinion of Pighius is improbable, seeing that he only saith there, I doe not approue the opinion of Pighius, &c. But he doth not say, that it is improbable, vnlesse, forsooth, what opinion C. Bellarmine doth not approue, although it be approued by other learned Catholikes, must forth with be accounted improbable. Besides I wold gladly know, who bethose better Doctours, whom Card. Bellarmine saith are

l Pag. 16.

m Cap. 21. pag. 106.

are to be followed against the opinion of *Phighius*. For my owne part I doe not know what better Doctours there be (abstracting from the ancient Fathers, and Doctors of the Church) if we speake only of the Doctours themselves, and not of the doctrine which they teach; then among the Thomists, *John of Paris*, *Dominicus Sotus*, *Victoria*, *Bartholomeus*, *Medina*, *Bannes*; among the Scotists, *Richardus de Media villa*, *Ioannes Medina*, *Ioseph Angles*; and among the Iesuites, *Salmeron*, *Molina*, *Valentia*, *Richeome*, *Salas*, and many other Diuines, whom *Salas* citeth, who doe hold, that Clergie men are not by the law of God & nature, but only by the Ecclesiasticall Canons and priuileges of Princes exempted from the *coactiue* power of Secular Magistrates, and not at all from their *directiue* power, but that they are subiect to the *directiue* power of Secular Princes in those things, which doe not repugne to the Ecclesiasticall Canons, and their state, and consequently, that Cleargie men in the time of the Apostles, and long after were subiect to the *coactiue* power of temporall Princes. Yea and the ancient Fathers, especially *S. Chrysostome*, *Theophylact*, and *Oecumenius* doe in expresse words affirme, ⁿ *that whether hee be a Monke, a Priest, or an Apostle, hee is according to the doctrine of S. Paul subiect to Secular powers*. Only the Canonists (& yet not all of them, as Pope *Innoc: Nauar*, and *Couerruuias*) whom now Card: Bellarm: leauing the Diuines, & his ancient opinion vpon very weake grounds, as you shall see, doth follow, do vehemently defend, that Cleargie men are by the law of God and nature, exempted from all subiection to Secular Princes.

8 Now you shall see, for what reasons Card: Bellarmine was moued to recall his former opinion, and to condemne it as *improbable*. For if the reason, saith he^o, of the exemption of Clergie men be for that they are ministers of Christ, who is the Prince of the Kings

n *Ad Rom.* 13.

o In his Recog-
nitions, pag. 16.

of

of the Earth, and King of Kings, truly they are exempted *de iure* not onely from the power of Christian Kinges, but also of Heathen Princes. If Card. Bellarmine meane, that the reason, wherefore the Ecclesiasticall Canons, and Christian Princes haue exempted Cleargie men (I doe not say from all subiection, for notwithstanding their exemption they still remaine subiects to temporall Princes, but from paying of tributes, from the tribunall of Secular Magistrates and such like) be, *for that they are Ministers of Christ* in spirituall, but not in Secular matters, I will not contradict this reason, but from hence it doth not follow that therefore Cleargie men in the time of the Apostles, when there were no such positive lawes of their exemption, were not in temporall causes subiect *de iure* to infidell Princes.

9. But if Card. Bellarmine meane, that the reason, why Cleargie men are not onely by the Ecclesiasticall Canons and lawes of Princes, but also by the law of God and nature exempted from all subiection to temporall Princes, is, *for that they are Ministers of Christ, who is the King of Kings*, this reason doth not proue, but suppose, that which is in question, to wit, that Cleargie men are by the law of God, and nature, exempted from all subiection to temporall Princes, which the common opinion of Diuines doth constantly deny, whose opinion to account *improbable*, or *temerarious* for such a weake reason, which doth not proue, but suppose the question, were in my iudgement to exceede the limits of Christian prudence, and modesty. Neither is there any repugnance in naturall reason, but that the *Ministers of Christ*, who, as it is probable, was, according to his humanity, onely a spirituall, and not a temporall King, (and although he was also a temporall King, yet Secular Princes are his Ministers in temporalls, and the Apostles & their Successors are his Ministers in spiritualls) might in temporall causes

p Act. 28.

be truly, and *de iure* subject to temporall Princes, as the *Apostles* them-selves, who are *Christ* his chiefe *Ministers* in his spirituall kingdome, and Church, were, according to the expresse doctrine of the ancient Fathers, as they are parts, members and cittizens of the temporall common-wealeh subiect to temporall Princes, in their temporal kingdomes, and in temporall affaires. Neither doe those words of Saint Paul *I am constrained to appeale to Cæsar*, signifie, that hee was subject to *Cæsar* onely *de facto*, and not *de iure*, more, then if a *Priest*, being vniustly oppressed by his *Ordinary*, should appeale to the *Pope*, and say, that he was constrained, for that hee had small hope to finde iustice at his *Ordinaries* hands, to appeale to the *Pope*, signifie thereby, that hee was not subject *de iure*, but onely *de facto* to the *Pope*.

q In tract. contra Bard. cap. 3 pag. 51.

10. An other reason, which moued Card. Bellarmine to recall his former opinion, and to affirme, that Saint Paul did not appeale to Cæsar, as to his owne lawfull Iudge but as to the Iudge of the president of Iewrie and of the Iewes, who did vniustly oppress him, was saith he q, for that the cause of which they did accuse him being spirituall, to wit, concerning the resurrection of Christ, and the ceremonies of the law of Moyses, could not by right appertaine to a Heathen Prince. See the Acts of the Apostles chap. 21. 22. 23. 24. & 25.

11. But truly it is strange, that Card. Bellarmine durst so confidently remit his Reader to those chapters of the Acts of the Apostles, to proue, that the cause, whereof Saint Paul was accused by the Iewes to the Tribune, and President of Iewrie, and wherefore he appealed to Cæsar, was spirituall, and not appertaining by right to a Heathen Prince, vnlesse hee will haue the raising of sedition, and tumults, and the committing of a crime worthy of death, not to belong to a Heathen Prince. For it is cleere by those chapters, that the Iewes accused him of sedition, and that he had offended

Cæsar

Cæsar, and endeauoured to haue him therefore put to death. We haue found, saith one Tertullus^r, who went to accuse S. Paul before the President Felix, this man pestiferous, and raising seditions to all the Iewes in the world, &c. And afterwards, the Iewes before the President Festus objected against S. Paul many, and grievous crimes, which they could not proue, but they might easily haue proued, that S. Paul did preach the Resurrection of Christ, for that hee confessed the same before both the Presidents, and King Agrippa: Whereupon King Agrippa said to S. Paul^r, A little thou perswadest me to become a Christian. And before^u S. Paul made answer to the President Festus, that neither against the law of the Iewes, nor against the Temple, nor against Cæsar, haue I any thing offended; which signifieth, that he was accused that he had offended against Cæsar. And a little after saith S. Paul to Festus, The Iewes I haue not hurt as thou very well knowest. For if I haue hurt them, or done any thing worthy of death, I refuse not to dye, but if none of those thinges be, whereof they accuse me, no man can giue me to them, I appeale to Cæsar.

12. By all which it is very cleare, that the Iewes sought to haue S. Paul put to death, and that all the crimes which they objected against him, were false, and consequently that he was not accused merely for preaching the resurrection of Christ, which S. Paul would neuer haue denied, but for raising sedition and tumults in the people, and for doing wrong to Cæsar. Whereupon S. Chrysostome^r commendeth S. Paul, that he would be iudged before him whom he was accused to haue wronged. And Card. Bellarmine himselfe, not agreeable to this his reason, did before in his *Controuersies* affirme^y, which as yet he hath not recalled, that S. Paul did for good and iust cause appeale to Cæsar, when he was accused for raising sedition and tumults in the people. And in that very place of his *Recognitions*, where

^r Act. 24.^r Act. 25.^r Act. 26^u Act. 25.^r Hem. 51. in Act.^y Lib. 2. de Rom. Pont. cap. 19.

he recalleth his opinion, he doth very plainly insinuate, as you haue seene, that the cause whereof he was accused, was criminall, for which he was in danger saith Card. *Bellarmino*, of a most vniust death.

13 True it is that *S. Paul* did preach to the *Iewes* the resurrection of *Christ*, according to the predictions of the holy Prophets, and for this cause they accused him of sedition, and to be a man worthy of death, and therefore he appealed to the tribunall of *Cesar*, not that *Cesar* should iudge, whether *Christ* was risen from death to life, for this indeed had been a spirituall cause, but whether to preach to the *Iewes* the resurrection of *Christ*, according to the predictions of the holy Prophets, were sedition, and a crime worthy to be punished with death by the Secular Magistrate. Wherefore *Festus* the President of *Iewrie*, and King *Agrippa*, after that *S. Paul* had discoursed about the resurrection of *Christ*^a, and King *Agrippa* had said to *S. Paul*, *A little thou dost perswade me to become a Christian*, they all rose vp, and going aside they spake among themselves, saying, that this man hath done nothing worthy of death, or bonds; which answer also made *Lycias* the Tribune to the President *Felix* before in the 23. Chapter.

^a Act. 26.

14 A third reason, which moued Card. *Bellarmino* to recall his former opinion, and that *S. Paul* did not appeale to *Cesar*, as to his lawfull Iudge, is, for that, saith he^a, it doth seeme to be altogether repugnant to the Gospel, that *Christ* did not free expressly, and by name *S. Peter*, and the Apostles from the obligation, wherein they stood bound to Heathen Princes. For *Christ* Mat. 17. did pay the didrachmes for himselfe and *Peter*, to auoide scandall. For that otherwise neither himselfe, nor *Peter* were bound to pay that tribute, he did demonstrate by those words: The Kings of the earth, of whom doe they receiue tribute or cense? of their children, or of strangers? And *Peter* answering, of strangers, *Ie-*

^a In tract. contra Barclaium. cap. 3. pag. 49.

us said unto him, therefore the sonnes are free: by which words he declared, that he was free from all tribute & cense, for that he was the sonne of the King of all Kings, and because when the sonne of a King is free, also his familie is reputed free, therefore Peter, and the Apostles, who by the gracious fauour of Christ did appertaine to his familie, ought also to be free.

15 But this reason is neither sufficient, nor agreeable to Card. Bellarmine's owne principles. For first Card. Baronius affirmeth ^b, that this didrachme, which was exacted from our Sauour in this place, was not a tribute due to Cæsar, but onely to God for the use of the Temple, according to the law of God decreed in the 30. chapter of Exodus: And therefore from this place no sufficient argument can be drawne, according to Card. Baronius doctrine, that the Apostles were exempted from paying of tributes, or any other temporall subiection, due to temporall Princes. Yea, and which is more, Card. Bellarmine himselfe in the latter Editions of his *Controuersies* approueth this Exposition for most true. There be two interpretations, saith he ^c, of this place: Therefore sonnes are free. The former is of S. Hillarie, who affirmeth, that this place is onely meant of the tribute, which God did impose upon the Children of Israell, Exodus 30. to the use of the temple, which tribute was properly called a didrachme; and according to this Exposition, which seemeth to vs to be most true, this is the force of the argument. The Kings of the earth, do not exact tribute of their sonnes but of strangers, therefore the King of heauen will not exact tribute of mee, who am his proper and naturall sonne. The second interpretation, which is of S. Hierome, who expoundeth those wordes of the tribute which was to bee paid to Cæsar, seemeth to bee the lesse probable, because the tribute which was to be paid to Cæsar, was not a Didrachme, but a penny, as it is plaine by Math. 22. Shew me the tribute coyne: and they offered him a

^b Ad ann.
Christi 33. n.
31.

^c Lib. 1. de Cler.
icis cap. 18.
in propos. 4.

penny. Neither can it be demonstrated by any sound reason, that the tribute of the Didrachme was wont to be paid to Cæsar, but after the Ascension of Christ into heauen. For Iosephus lib. 7. de bello Iudaico cap. 26. doth write that the tribute of the Didrachme, which all the Iewes did pay to the temple euery yeare, should afterwards be brought into the Capitole. Thus Card. Bellarmine.

16 Wherefore it is strange, that hee should now be so forgetfull, as to bring this text of holy Scripture for a reason, why hee changed his former opinion, and which reason also hee saith doth demonstrate, that Christ our Saviour did expressly, and by name free S. Peter and the Apostles from the obligation wherein they stood bound to Cæsar, whereas Card. Bellarmine himselfe, as you haue seene, expoundeth this place not of any tribute to bee paid to Cæsar, but onely due to God for the vse of the temple. And therefore small reason had Card. Bellarmine for the aforesaid reasons, which are so weake, and repugnant to his owne doctrine, as you haue seene, to recall his former opinion, which for so long time hee had in publike Schooles, and writings, with the common opinion of Diuines, taught and maintained against the Canonists: but truely he had no reason to condemne for such weak reasons the contrary opinion of the Schoole Diuines, of whose profession he himselfe also is, as improbable.

17 Far more agreeable to reason, and also to Card. Bellarmine's profession, hee being a Schoole Diuine, were it for him in my iudgement to returne to his ancient opinion, which the Schoole Diuines doe generally maintaine, and rather to recall some other his opinions, wherein hee plainly contradicteth his owne doctrine, as I haue shewed before: As that our Saviour by those wordes, therefore sonnes are free &c. Math. 17. did expressly, and by name free S. Peter and the Apostles from the obligation, wherein they stood bound to Heathen Princes, which is flatly repugnant to that, which hee taught

taught in another place, that these wordes are not meant of any tribute, which was to be paid to Cæsar, but onely of the tribute, which God did impose Exod. 30. upon the children of Israell to the use of the Temple. And besides that, the cause whereof the Iewes did accuse S. Paul, and for which hee appealed to Cæsar, was spirituall, ^a which is cleerely repugnant to that, which hee taught in another place, ^e that S. Paul did for good and iust cause appeale to Cæsar, and did acknowledge him for his Iudge, when he was accused of raising sedition, and tumults in the people. And moreouer, (to omit sundry other his contradictions) that the Church of Christ is compounded of spirituall and temporall power, as a man is compounded of soule and body, and that the temporall and spirituall Common-wealth doe make one totall body whereof the Pope is head, as a man is compounded of body and soule, which is cleerely repugnant to that which hee taught in other places, that the Church of Christ is compounded onely of spirituall power, and that the Pope, if wee will speake properly, hath onely spirituall and not temporall power.

18 But secondly although wee should grant, that those words of our Saviour, therefore sonnes are free &c. were meant of the tribute which was to be paid to Cæsar and not to the temple, yet Card. Bellarmine himselfe did in the former Editions of his Controversies giue therevnto a very sufficient answer, and which in his latter Editions he hath not confuted. For thus he writeth: I answer first that this place doth not conuince: for otherwise he should exempt from tributes all Christians, who are regenerate by Baptisme. Secondly I answer, that our Saviour doth speake onely of himselfe. For he maketh this Argument: The sonnes of Kinges are free from tributes, because they neither pay tribute to their fathers, for that the goods of the parents and children are common, nor to other Kings, because they are not subiect to them, but I am the sonne of the first and chiefest King, therefore I owe tribute

^a In tract. contra Barcl. cap. 3 pag. 51.

^e Lib. 2. de Rom. Pont. cap. 29.

^f See aboue cap. 2.

^g lib. I de clericis Cap. 28.

tribute to no man. Wherefore when our Sauour saith, therefore Sonnes are free, from thence hee meant onely to gather this, that he himselfe was not bound to pay tribute: of other men hee affirmed nothing.

19 Thus answered Card. Bellarmine in times past, when he followed the opinion of the Diuines, concerning the exemption of Clergy men against the Canonists, who vrged this place of holy Scriptue to proue, that Clergy men are exempted from paying of tributes by the law of God. But now, forsooth, he forsaketh the Diuines, and this very text, *therefore sonnes are free*, which then hee brought for an obiection against his opinion, and cleerely answered the same, he bringeth now for a chiefe ground to proue his new opinion, and (which is very remarkable) hee concealeth the answer which he then made to the said obiection: onely hee addeth this: *that when the sonnes of Kings are exempted from tribute, not onely their owne persons, but also their seruants and Ministers, and so their families are exempted from tributes. But it is certaine that all Clergie men do properly appertaine to the family of Christ, who is the sonne of the King of Kings. And this our Lord did seeme to signifie when hee said to S. Peter, But that wee may not scandalize them, finding the stater take it, and giue it for me and thee. As though he should say, that both hee, and his family, whereof S. Peter was a chiefe gouernour, ought to bee free from tributes. Which also S. Hierome doth seeme to haue understood in his Commentary of that place, when hee saith, that Clergy men doe not pay tributes for the honour of our Lord, and are as Kings children free from tributes: and S. Austin lib. 1. 99. Euang. 9. 23. where he writeth, that in euery earthly Kingdome, the children of that Kingdome vnder which are all the Kingdomes of the earth, ought to be free, (not are free, as Card. Bellarmine affirmeth S. Austin to say,) from tributes.*

20 Thus you see, how Card. Bellarmine runneth

vp and downe from the words of holy Scripture, by which it is demonstrated, saith he, that S. Peter was not bound to pay tribute to Caesar, to the sense which he himselfe disproueth, and then from the sense to his private collections, and inferences, that if S. Peter was free, all the Apostles were free, and if all the Apostles, all Cleargie men. But if it had pleased him to haue also set downe the answer, which in the former Editions of his bookes he made to this obiection, the Reader would easily haue perceiued, that from this place of holy Scripture no sufficient reason could be gathered to cause him to recall his former opinion, although wee should grant, that those words of our Saviour were meant of the tribute, which was to be paid to Caesar, of which neuerthelesse Card. Bellarmine will not haue them to be vnderstood, but onely of the tribute which the children of Israell were by the law of God, *Exod. 30.* commanded to pay for their soules vnto the vse of the *tabernacle of testimonie*, for at that time the temple was not built. For first, saith he, if this argument did conuince, not onely Cleargie men, but also all Christians, who being regenerate by baptisme are the children of Christ, and also doe properly appertain to his spirituall familie, or Church, of which, S. Peter and the rest of the Apostles vnder him were chiefe gouernours, should be exempted from paying tributes. Secondly, our Saviour, saith he, doth speake onely of himselfe, who was the sonne of the first and chiefest King, and that he himselfe was not bound to pay tribute: of other men he affirmeth nothing.

21 Thirdly, to the authority of S. Hierome, he answereth, that S. Hierome did not intend in that place, to proue out of the Gospell, that Cleargie men are free from tribute, but onely he doth bring a certaine congruence, wherefore they are freed by the decrees of Princes: for therefore he saith, that they doe not pay tributes as the children of the Kingdome, and he addeth an o-

ther cause, to wit, the honor of Christ: for he saith, that for his honour Cleargie men doe not pay tributs. Therefore not the law of God, but the decrees of Princes made for the honour of Christ, haue exempted Cleargy men. Thus Card. Bellarmine.

22 Fourthly, to the authority of S. Augustine he answereth, that although Iansenius (whom Salmeron and Suarez doe follow) doth affirme, that S. Austen by the children of the supreme kingdome did understand the naturall children of God, and that he spake in the plurall number to obserue the manner of our Sauours spech, so that the meaning of S. Austen was, that all the naturall sonnes of God, if it were possible that God could haue more naturall sonnes then one, should be exempted from paying of earthly tributes: yet Card. Bellarmine doth not like well of this answer, and therefore he thinketh the answer of Abulensis to be the more probable, that S. Austen did not understand naturall children, but Clergie men and Monkes, who, as also S. Hierome affirmeth, in Cap. 17 Mat., were and are free from tributes, as those who appertaine to the familie of Christ. Neither doth it therefore from hence follow, that Cleargie men are by the law of God free from tributes. For first, that which S. Austen saith, is not in the words of our Sauour, but it is onely gathered by a probable consequence, For our Sauour doth onely speake of the true and naturall children of Kinges, as S. Chrysostome doth expound that place. Secondly, our Sauour himselfe doth also properly command nothing in this place, that it may be called the law of God, but doth onely shew by the vse and custome of men, that the children of Kinges are free from tributes. Thus Card. Bellarmine answered in his former Editions, which answer in his later editions he altogether concealeth, but for what cause I remit to the iudgement of the prudent Reader.

23 By all which it is apparant that our Sauour did onely speake of himselfe, and of the naturall children

of Kings, when hee vsed those words, *therefore sonnes are free*; and of the seruants, or familie, either of Kings, or of the children of Kings he saith nothing at all; and therefore from an other consequence drawne from the vse, and custome of men, and not from the words of our Saviour, can it be gathered, that those who are seruants, or of the familie of the children of Kings, are exempted either from subiection to the inferiour magistrates of the kingdome, or from the paying of tributs. But by no probable consequence it can be deduced, that those who are either seruants, and of the familie of Kings children, or also seruants, and of the familie of the King himselte, are by the custome of any nation either exempted from subiection to inferiour Magistrates, and much lesse to the King himselte, or also from paying tributes, vnlesse the King vpon some other speciall consideration doth grant to any of them such a priuiledge.

24 To those words of our Saviour, *But that wee may not scandalize them &c.* it is easily answered according to the first exposition of that *didrachme*, which Card. Bellarmine thinketh to be most true, *that it was a tribute due to the temple or tabernacle, and not to Cæsar*: For I doe willingly grant, that S. Peter, who was appointed by Christ to be the chiefe gouernour of his Church and temple, was exempted from paying tribute to the temple. But although we should admit, that the aforesaide *didrachme* was a tribute due to Cæsar, and not to the temple, yet from those words of our Saviour, no sufficient argument can be drawne to proue, that S. Peter, and especially the rest of the Apostles, were by the law of God exempted from paying tributes, and much lesse from temporall subiection to Heathen Princes.

25 First, for that we may probably answere with Iansenius, and Abulenſis, that Christ did speake to S. Peter in the plurall number, [*but that wee may not scan-*

^h In the here-
fic of the Ma-
nichies.

ⁱ In Concord.
Eua ng. cap.
69. in Mat.
17.

^k In cap. 17.
Mat. tom. 2.
Lib. 10. cap.
32.

dalize them] not for that S. Peter was bound to pay tribute onely by reason of scandall, but either because our Saviour did speake of his owne person, vsing the plurall number for the singular, as it is vsuall, especially among great persons; we are wont, saith S. Epiphani-
^{us}^h, to speake singular thinges plurall, and plurall singu-
lar. For wee say, wee haue tould you, and we haue seene you, and we come to you, and yet there be not two who speake, but one who is present: or else because the scan-
dall, which Christ should haue giuen, would in some sort haue redounded to S. Peter, as being a mediatour in that businesse. And therefore, as well affirmeth Ian-
senius¹, our Saviour did pay tribute for himselfe onely to auoid scandall. & for S. Peter to honour him as with a cer-
taine reward for his faith, obedience, and diligence, as a mediatour of this busines, and an executor of the Miracle of finding the stater in the fishes mouth, or as Barradius the Iesuite, and others doe affirme^k, to honour him a-
boue the rest, as the Prince of the Apostles, and the head of the Church. See Abulensis, q. 198. 199. and 200. in cap. 17. Mat. and Barradius vpon this place.

26 Secondly, although wee should grant, that our Saviour did for some speciall cause exempt S. Peter from paying tribute to Caesar, either by a personall priuiledge, or else reall, and descending to his successors, it doth not therefore follow, that he did exempt him from all ciuil subiection to temporal Princes, as neither doth it follow, that because the Children of Kinges, for that their goodes and their fathers are common, or any of the Kinges seruants are by speciall priuiledge exempted from paying tributes, they are therefore exempted from all ciuil subiection and alleagiance to the King.

27 Thirdly, for that there is no probabilitie in my iudgment, that either Christ did by those words intend to exempt the rest of the Apostles, seeing that there is no mention at all made of them in that place,

or also that this priuiledg of exemption is extended to S. Peter, and the rest of the Apostles, in regard onely that they were of the spirituall familie, or Church of Christ (I say of the *spirituall familie*, for that I will not deny, but that as they were of his corporall familie, and liued with him here on earth, and had no corporall goods but such as belonged to Christ, they were exempted from paying tributes, but not from ciuill subiection to Heathen Princes) because the exemption of seruants with their Maister, or of those, who are of the familie of Kinges Children with the Kinges Children themselues, is not grounded in the law of nature, but onely in a certaine congruity, and custome of men, from which custome this argument to exempt the Apostles, for that they were of *Christs familie*, is drawne: but there is no such custome among nations, that the seruants or familie of Kinges Children or of the King himsele, are exempted from paying tributes, although the children of Kinges hauing no other goodes, then which are their fathers, be exempted, as Card. Bellarmine a little aboue affirmed. But howsoeuer, neither the seruants to Kinges children, nor the kinges children themselues, are exempted from ciuill subiection, or from the *directiue*, or *coercive* power of the King.

28 And therefore neither Fa. Suarez, who handleth this question at large, dare affirme, that from those words of our Sauour it can *certainely*, but onely *probably* be gathered, that this exemption was extended to the rest of the Apostles. I answere, saith hee¹, that it is true, that Christ did not say plainly, that the familie is exempted with the children, neither doth it follow by any euident, or necessary consequence, and therefore the aforesaid opinion, for as much as belongeth to this part, is neither of faith, nor altogether certaine. Neuerthelesse it is most likely, that this extension to the rest of the Apostles is according to the intention of Christ,

¹ In defens. fid. Catho. &c. lib. 4. cap. 8, in fine.

29. But truly, although there may be alleadged some *probable* congruities, wherefore our Sauour might grant some speciall prerogative, and priuiledge of exemption to S. Peter, whom he had chosen to be the first and principall head and gouernour of his Church, rather then to the rest of the Apostles, as likewise the Diuines doe yeeld *probable* congruities, wherefore God almighty might giue to the B. Virgin *Mary*, whom he had chosen to be the mother of his immaculate Sonne, a speciall prerogative and priuiledge of exemption from originall sinne, but whether he did grant that priuiledge or no, it cannot certainly be proued, neuerthelesse for my owne part I doe not see any probable likelihood, that our *Sauour* should giue to the rest of the Apostles, and much lesse to all Cleargie men, any speciall priuiledge of exemption from all ciuill subiection to temporall Princes. And therefore the most part of the Schoole Diuines, yea also and of the *Iesuites* themselves doe hould, that *Cleargie men* are directly subiect to the ciuill lawes of temporall Princes, in all those thinges, which are not repugnant to their state, nor to the Ecclesiasticall Canons, and consequently that they are not exempted from all subiection and obedience, and from the directive or commanding power of Secular Princes, but that they are bound not onely by force of reason, but also by vertue of the law, and of their due obedience, to obserue such ciuill lawes.

m In tract.
contra Barcl.
cap. 3. pag. 50

n nn. 68. &
seq

30 A fourth reason which Card. Bellarmine bringeth^m wherefore he recalled his former opinion, and why the Apostles were not *de iure* subiect to temporall Princes, is because they are appointed by God Princes ouer all the earth, as wee read in the 44. Psalm. For although that principality was spirituall, not temporall, yet it was true principallity, and farre more noble then temporall principallitie. But this reason is not sufficient, for as I obserued in my *Apologie*,ⁿ the same man being

ing considered diuerse waies may be subiect, and superiour; subiect in temporalls, and supreame in spiritualls, and contrariwise; neither is temporall subiection repugnant to spirituall authority, nor temporall authority repugnant to spiritual subiection: neither from hence doth it follow, that either temporall authority it selfe, is subiect to spirituall power, or spirituall power subiect to temporall authority, but onely that the same man, who is superiour in temporalls, is subiect in spiritualls, and who is superiour in spiritualls is subiect in temporalls, as the same man who is a Musition may be subiect and seruant to a Physition, or contrariwise, and yet it doth not from hence follow, that *Musicke* it selfe is subiect to *Physicke*, or contrariwise.

31 And if Card. *Bellarmino* doe answere, as he doth in his *Schulckenius*ⁿ, that when the powers are equall, it may perchance fall out, that the same compared diuerse waies may be subiect and superiour, but if the powers be unequall, and one subordained to an other, as are spirituall and ciuill power, it cannot fall out, that the same man be subiect to him who is his superiour, this answere is also as insufficient as the former. First, for that the temporall power it selfe is not subordained to the spirituall, as I haue shewed before: for otherwise temporall Princes should not onely in spiritualls, but also in mere temporalls be subiect to spirituall Pastours, as if Musicke it selfe be subiect to Physicke, a Musition, as he is a Musition, and in all thinges belonging to Musicke, should be subiect to Physicke, and consequently to a Physition, as he is a Physition. Secondly, for that it is the common opinion of the Schoole Diuines, and also of the Iesuites, that Cleargie men are subiect to the directiue temporall power, or command of temporall Princes.

32 Thirdly, for that there is no repugnance, but rather a necessary consequence, that spirituall Princes, not as they are spirituall Princes, but as they are true

parts

ⁿ Pag. 172.

o *Lib. de Monachis. cap. 19.*

p *Lib. de Clericis. cap. 28.*

q *Pag. 339.*

parts and members of the temporall common wealth, should be subiect in temporall affaires to temporall Princes, for euery member, saith Card. Bellarmine, ought to be subiect to the head, and Cleargie men, besides that they are Cleargie men, are also citizens and parts of the ciuill common wealth, as Card. Bellarmine affirmeth in an other place ^p, and the King is head of the politike or ciuill body, as also in his *Schulckenius*, he expressly affirmeth ^q. Fourthly, for that Card. Bellarmine is also now of opinion, at least wise he was when he wrote against D. Barckley, that it is probable, that the Priests of the old law, who had true spirituall power, and were true spirituall Princes, were subiect to Kinges, and therefore for this reason to recall his former opinion, and especially to condemne it as improbable, were both to contradict himselfe, and also to condemne of temeritie the learnedst Schoole Diuines of this age, and also of his Societie.

r *Nauar. super cap. non liceat Papæ. 12. q. 2 55. 3^o. nu. 6*

33 These be all the principall reasons, which I can finde in Card. Bellarmine, for which he was moued to recall his former opinion, and to condemne it as improbable, which how probable they be, or rather very insufficient to moue such a learned man, as Card. Bellarmine is, to forsake the Schole Diuines, and to fly to the Canonists, who as pope Pius the fift sincerely confessed, ^r doe attribute to the Pope more authoritie then is fitting, and to censure so rigorously, and rashly the learnedst Catholikes of this age, and also of his owne Societie, of temeritie, I remit to the iudgement of the discrete Reader, as also to consider, whether reason, or affection to aduance the Popes authoritie moued him not onely to recall his former opinion, but also to condemne it as improbable.

33 Lastly, that the Reader may haue some knowledge of the true state of the question concerning the authority of spirituall Pastors to exempt Clergy men from the power of Secular Princes, for that some Diuines

uines are of opinion, that from the exemption of Clergy men a strong Argument may bee drawne to proue that a spirituall Prince or Pastor hath power to depose or depriue a temporall Prince, who is subiect to him in spiritualls, of his temporall Kingdome and Dominions. *First* therefore the true state of the question betwixt mee and my *Aduersaries* is, not concerning the exemption of Cleargie men by way of *command*, for I doe willingly grant, that a spirituall Prince, or Pastor as hee is a spirituall Pastor, hath power to *command* a Christian Prince, who is subiect to him in spiritualls, not to exercise his temporall power in some cases, if the necessity of the Church, or Christian Religion doth require it, ouer the persons of Clergy men, who are his temporall Subiects: so that if a secular Prince should disobey the lawfull command of his spirituall Pastor, hee should offend against the vertue of Religion, for the which offence his spirituall Pastor might punish him with Ecclesiasticall censures: and of this manner of exemption by way of *command*, and spirituall *coercion*, all the Canons and Decrees of Popes and Councells. which doe signifie. imply, or suppose that Clérgy men may by the authority of the Church without the consent of temporall Princes bee exempted from secular powers, either touching their persons or their goods, may bee very well vnderstood: I said *if the necessity of the Church doth require it*; for at this present I will not enter into particulars, what manner of necessity is required, that a spirituall Pastor may impose such a command vpon his temporall Prince.

34 But the controuersie betwixt mee and my *Aduersaries* betwixt those Catholikes who are so vehement for the Popes power to depose Princes, and those on the contrary side is, whether spirituall Pastors, as they are spirituall Pastors, or by vertue of their spirituall power, haue not onely by way of *command*, and spirituall *coercion*, but also by way of *sentence* authori-

ty to exempt without the consent of Princes Clergy men, who before were subiect to them in temporalls, from the *directiue*, and *coercive* power of secular Princes, in such sort, that after the *sentence* of such exemption bee giuen, Clergy men are no more the subiects of that secular Prince, for that his spirituall Pastor doth depriue him of that ciuill power, which before the sentence hee had ouer Clergy men: And what is said of particular Bishops, in respect of Princes who are their spirituall children, is to bee vnderstood of the Supreme spirituall Pastor in respect of all Christian Princes, who are subiect to him in spiritualls. This is the true state of the question.

35 So that the Reader may clearly perceiue, that although from the first manner of exemption, by way of *command*, and spirituall *coercion*, no good argument can be drawne, to proue, that the spirituall power can depose Princes, and depriue them of their Regall authoritie, by way of *sentence*, yet there is great coherence betwixt these two questions concerning the power of spirituall Pastors to depose Princes by way of *sentence*, and their power to exempt by way of *sentence* Cleargie men from all subiection to Secular Princes. For the *first* question is whether the spirituall power can by way of *sentence* depriue temporall Princes of all their temporall power, and absolue all their Subiects from their temporall alleagiance: and the *second* is, whether it can depriue them of some part of their temporall power, and absolue some of their subiects from their temporall alleagiance. And therefore those Catholikes who doe grant the *second*, will easily grant the *first*, and who doe grant the *first*, must of necessity grant the *second*, for that there can be no sufficient reason alleadged, why the spirituall power can in order to spirituall good depriue Princes of some part of their Regall authoritie, and not of all, and absolue some subiects from their temporall alleagiance

ance, and not all; and if it can depriue or all, it must needs follow that it can also of some part. And contrariwise those Catholikes, who affirme, that the spirituall power cannot exempt, or absolute Cleargie men from their temporall allegiance and subiection to temporall Princes, must consequenly affirme, that it can not exempt or absolute all subiects from their temporall allegiance: and who affirme, that it can not absolute, or exempt all subiects from their temporall allegiance, nor depriue a temporall Prince of all his Regall authority, will easily affirme, that it cannot exempt or absolute Cleargie men from their temporall allegiance and subiection, nor depriue a temporall Prince of any part of his Regall authority.

36 But some doe greatly vrge this obiection: If the spirituall power can command temporall Princes not to exercise their temporall power ouer the persons or goods of Cleargie men, without the consent of their Ecclesiasticall superiour, it doth consequently follow, that a temporall Prince doth offend, if he transgresse the iust and lawfull command of his spirituall Pastour, and therefore it seemeth, that a temporall Prince hath no power ouer the persons or goods of Cleargie men after such a command, supposing it to be lawfull, vnlesse wee will grant, that a temporall Prince hath power to commit sinne, and to transgresse the lawfull command of his spirituall Pastour.

37 To this obiection (wherewith I haue knowne diuers men of learning to bee somewhat perplexed) those Catholikes, who deny that the spirituall power can depriue by way of *senten ce*, a temporall Prince of his Regall Authority, either wholly or in part, may easily answer in this manner: that if a temporall Prince doth exercise his temporall power ouer the persons or goods of Clergy men against the lawfull command of his spirituall Pastour, hee sinneth indeed against Religion, and the generall vertue of obedience, in

that hee vſeth his power contrary to the lawfull command of his ſpirituell Paſtour, but hee doth not ſinne againſt the ſpeciall vertue of legall, or morall iuſtice, in vſing his authority ouer them, who are not his ſubjects, and ouer whom hee hath no temporall power and Authority, in that manner as another man, who is not their Prince, ſhould offend. Neither is it vn-
 ſuall for a man to commit a ſinne in doing that which in reſpect of iuſtice hee hath power and authority to doe.

38 As for example, it is a ſinne againſt the vertue of liberality for one to giue away his goods prodigally, although if wee reſpect iuſtice hee hath true and full power to giue them away, for that he giueth nothing but that, which is his owne: and therefore that prodigall giſt, although it be vnlawfull, yet is not vniuſt, as iuſtice is taken, not as it comprehendeth all vertues in generall, but in particular for a ſpeciall vertue, and one of the ſoure Cardinall vertues. So alſo it is a ſin againſt the vertue of temperance to giue money to commit an vnhoneſt act, and yet the giſt is not vniuſt for that hee giueth nothing but his owne, and which according to iuſtice hee hath power to giue. So likewise if a Ghoſtly father command his penitent to giue a certaine part of his goods to the poore in ſatisfaction of his finnes, if the penitent doe beſtow them otherwiſe then hee was commanded, hee ſinneth againſt the vertue of Religion and Sacrament of pennance, in tranſgreſſing his Ghoſtly fathers lawfull command, but he committeth no iniuſtice, becauſe hee giueth that which is his owne, and which, if wee regard the vertue of iuſtice, hee hath power to giue: neither doth the command of his Ghoſtly father deſtroy him of the right, dominion, property and power, which he had before ouer thoſe goods.

39 Laſtly, if the Pope ſhould vpon iuſt cauſe ſuſpend a Prieſt from the Altar, or a Biſhop from his Episcopall

pall function, and consequently forbid the Priest to consecrate, and the Bishop to giue orders, if they should disobey the Popes lawfull command, they should sinne against the vertue of Religion, in vsing their power vnlawfully, but they should not sinne for doing that which they haue no power to doe, as hee who is no Priest or Bishop should in consecrating or giuing orders offend, for that the power of a Priest to consecrate and of a Bishop to giue orders, cannot either wholly or in part bee taken away from them by the *Pope*. So likewise although a spirituall Pastor should for iust cause forbid a temporall Prince, who is his spirituall child, and subiect, to exerceise his Regall power and authority ouer Clergy men, if that temporall Prince should heerein transgresse the command of his spirituall Pastor, supposing it to bee lawfull, hee should indeed offend against religion, in vsing his Regall power and authority contrary to the lawfull command of his spirituall Pastor, which command was imposed for the motiue of Religion, neuerthelesse hee should not offend against iustice, in doing that which hee hath no power and authority to doe, in that manner as another man, who is not their Prince, should by depriuing them of their goods, or punishing their persons if they transgresse the lawes, offend. For that it is not in the power of a spirituall Pastor to deprive a temporall Prince either wholly or in part of his Regall power, and temporall Soueraignty.

40 Wherefore if wee respect the power it selfe, and the vertue of legall or morall iustice, a temporall Prince hath full, ample, and, supreme royall power and authority ouer Clergy men, notwithstanding that his spirituall Pastor should for iust cause command him not to exercise his Regall power vpon the persons of Clergie men, who doe offend his lawes: but if wee respect the vse and execution of the power, and the vertue of religion, the vse indeed of his power in the

aforesaid case is so limited by the lawfull command of the spirituall Pastor, that the Prince vsing his power ouer Clergy men, sinneth against Religion, for that hee disobeyeth the lawfull command of his spirituall Superiour, which was imposed for the motiue of religion, but not against iustice for that hee doth not exercise his Regall power but vpon those who are his Subiects, and doe owe vnto him true loyalty and temporall obedience.

41 And truly if the aforesaid obiection were of force, that the temporall Prince hath no power or authority ouer Clergie men, who are subiect to him in temporalls, against the lawfull command of his spirituall Pastour, because he hath no power to sinne, it would likewise follow, that a suspended Bishop, or Priest, haue no power to giue orders, or to consecrate, because they haue no power to sinne; and a penitent hath no lawfull right, or power to sell, or giue away his goods against the lawfull command of his Ghostly Father, because he hath no power to sinne; and a man hath no power, or right to giue money to a dishonest end, or to giue away his goods prodigally, and consequently they should be restored back againe, because he hath no power to sinne. I will say nothing at this time, how farre Cleargie men, either by the priuiledges of Christian Princes, or by the Ecclesiasticall Canons are *de facto* exempted both in their goods, and in their persons from ciuill powers, but onely I thought good at this time to set downe the true state of the question among Catholikes concerning the authority of spirituall Pastours to exempt Cleargie men from the temporall power of Christian Princes, that thereby they may clearely perceiue, what kinde of argument may be drawne from the exemption of Cleargie men, to proue the *Popes* power to depose Princes, and by way of sentence to depriue them wholly of their Regall authoritie.

42 Thus you haue seene in what manner temporall thinges are subiect to spirituall, temporall endes to spirituall endes, temporall power to the spirituall power, the temporall sword to the spirituall sword, the flesh to the spirit, the Moone to the Sunne, and temporall Princes to spirituall Pastors; and that from the subiection and subordination of the temporall power to the spirituall, no good argument can be brought to proue, that the *Pope*, by vertue of his spirituall power can dispose of temporalls, depose temporall Princes, or punish temporally by way of *coercion*, but onely that in order to spirituall good he can command temporalls, and punish temporally by way of *command*, but by way of *coercion* onely with spirituall, and not with temporall punishments. And by this which hath bene saide, the Reader may easily vnderstand the true sense and meaning of a certaine proposition, which Card. *Bellarmino* in his *Schulckenius* doth often inculcate (as though there were some great mystery lye hidden therein) to proue the Popes power to depose temporall Princes, to wit, *that a Christian Prince is a child of the Church, and subiect to the Pope, not onely as he is a Christian man, but also as he is a Christian Prince*; and the same he affirmeth of a *Christian Lawyer*, of a *Christian Souldier*, of a *Christian Physitian*, and so of therest.

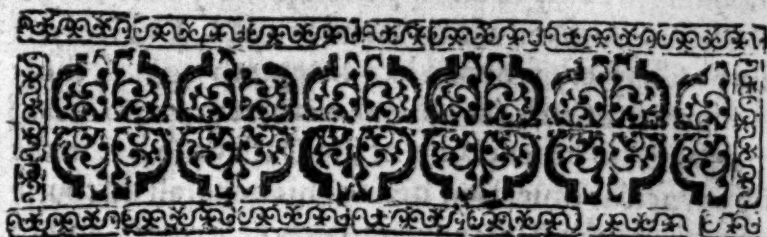
43 For all these three propositions, A Christian Prince, as he is a Christian Prince, is a child of the Church, and subiect to spirituall Pastours: A Christian Prince as he is a Christian is a Child of the Church, and subiect to spirituall Pastours: and a Prince as he is a Christian, is a Childe of the Church and subiect to spirituall Pastours; haue one and the selfe same sense; and so likewise of a Christian Lawier, of a Christian Souldier, of a Christian Physitian &c. For the true meaning of themall is, that Christianitie, and not Regall authority, or the knowledge of lawe, warfare, or Physick

Physicke, is the cause why a Prince, a Lawier, a Soldier, a Physitian, and all other men of what trade soeuer they be, are Children of the Church, and subiect to spirituall Pastours; and that therefore they are to be directed and instructed by spirituall Pastours, not precisely in the rules of ciuill gouernment, in the rules of lawe, warfare, or Physicke, but onely in the rules and principles of Christian doctrine, and how they ought to gouerne ciuilly, and vse their knowledge and trades according to the rules and precepts of Christian Religion: which if they refuse to doe, they may be corrected and punished by spirituall Pastours, with spirituall or Ecclesiasticall punishments.

44 But from hence it doth not follow, that either temporall power, the knowledge of the lawe, warfare, or physicke, are among Christians *per se* subiect to the spirituall power, but onely *per accidens*, as I haue often declared, and in those thinges, which doe concerne or belong to Christian Religion, or that spirituall Pastours can by vertue of their spirituall power correct, or punish Christian Princes, Lawiers, Soldiers, Physitians &c. by depriving them by way of sentence of their Regall authoritie, of their skill and knowledge in the lawes, in warfare, or Physicke, which they did not receiue from the spirituall power, but onely by depriving them of the Sacraments, and such like spirituall benifites, of which they are made partakers by being Christians, and by meanes of the spirituall power and authority of spirituall Pastours. And thus much concerning the vnion and subiection of the temporall and spirituall power, and also of the second part.

6 NO 63

AN



A N S W E R
to the first and second Part,
wherein *Widdringtons* Interpretation of
that Clause of the Oath, wherein the Doctrine
(*that Princes, who are excommunicated or depri-
ued by the Pope, may bee deposed or murthered by
their Subiects*) is abiured as *impious and
hereticall*, is proued to be sound, and sufficient,
and is cleared from all absurdity or contra-
diction, euen by Mr. FITZHERBERTS
examples, and that it may without
any Periury be sworne by any
CATHOLIKE.

(. .)

I Erceiuing, Courteous Reader,
that this my *Answer* to Mr.
Fitzherberts Reply doth arise to
a greater bignesse, then at the
first I imagined: for that I am
compelled not onely to answer
him, but also D. *Schulckenius*,
to whom he remitteth his Reader for the confutation
of many of my Answers: I thought good for diuers
reasons to diuide it into two Bookes, and to conclude
the first Booke with the first and second Part; onely

B

adiou-

adjoining, by way of an Appendix, for thy better satisfaction, the Answer which I made to Mr. *Fitzherberts* fourth Chapter, wherein hee excepteth against those words of the Oath (*as impious and hereticall Doctrine*) for against no other clause of the Oath doth hee make any particular obiection, besides his generall discourse in fauour of the *Popes* power to depose *Princes*, and to dispose of all temporalls. Which his *Doctrine*, seeing that I haue already by extrinsecall grounds, and the authority of learned Catholikes (for to all the intrinsecall grounds which my *Adversary* bringeth, I will answer in the next booke, which, God willing, ere it be long thou shalt receiue) proued not to bee so certaine, but that the contrary hath euer beene, and is at this present approued by learned Catholikes, and consequently may without any danger of *heresie, error, or temerity*, be maintained by any Catholike: and considering also that Mr. *Fitzherbert* taketh no particular exception against any clause of the Oath, but onely against those words (*as impious and hereticall Doctrine*) it is euident that any man of iudgement may from that which I haue already said and proued, easily conclude, that the Oath may lawfully, and with a safe Conscience bee taken, if my *Adversaries* obiections against those words of the Oath (*as impious and hereticall Doctrine*) bee once cleerely confuted.

2 First therefore Mr. *Fitzherbert* in the beginning of his fourth Chapter, seemeth to take it very ill, for that I said, saith he, *uppon him very foule, charging him with flat falsity at the first word*. But truely hee doth in this exaggerate the matter somewhat more then is needfull, as also in that he saith, *that for a while I made my selfe merry with Fa. Lessius*. For besides that the word *flat* is added by himselfe, I did neither *cogge, scoffe, gibe, or make my selfe merry with Fa. Lessius*: but after I had brought those foure instances to confute *Fa. Lessius* his antecedent proposition, whereon hee grounded

grounded his consequence, I onely demanded, not by way of *scoffing, cogging, gibing, or making my selfe merry*, as this man in this, and his former Chapter vntreuely affirmeth, but rather out of pittie, compassion, and complaint, *whether those, and such like were not trim Arguments to moue English Catholicks prodigally to cast away their goods, and to deny their allegiance to their Prince.* And as for charging my Aduersary with flat falsity, my wordes were onely these: *Thirdly it is false which this Author P. T. affirmeth, to wit, that the Doctrine concerning the Popes power to depose Princes, is plainly abiured in his Oath, as impious and hereticall, for this doctrine onely is abiured in this Oath as impious and hereticall, that Princes being excommunicated or deprived by the Pope, may bee deposed or murthered by their subiects or any other whatsoever: which position, as I will declare beneath, hath this sense, that it is in the free power of Subiects to depose, or (if they will) to murther their Prince, being excommunicated, or deprived by the Pope.*

3 In the very first beginning I affirmed, and Mr. Fitzherbert in his first Chapter related my words, *that the supposition, which hee made, to wit, that the Popes power to excommunicate Princes is denyed in this Oath, is most false*, and then he took no exception against this word, *most false*: and now after he hath so often fallen very foule vpon mee, with charging mee with being *absurd, ridiculous, foolish, malicious, impudent, impious, with cogging, scoffing, gibing, heretike, and being no good Child of the Catholike Church*, and vsing many such like slanderous, and disgracefull termes against mee, hee taketh it very ill for that I onely affirme his assertion to bee *false*, which word neuertheless is vsuall in Schooles among Disputers and Answerers, and is not taken for any disgracefull tearme, being in sense all one with *vntrue*, or *I deny the assertion or position.* But because I perceiue Mr. Fitzherberts patience can-

not brooke the very least of those so many foule, disgracefull, and slanderous nicknames hee is pleased to bestow vpon me, and doth so easily *see a little mote in my eye, not perceiuing the great beame in his owne*: I will heereafter abstaine from that word *false*, and in stead thereof vse *vntrue*, as in the English Edition I did translate it: neither can he haue any colour to bee distasted with this word *vntrue*, vnlesse hee doe take it ill that I doe not *forsooth* approue all his opinions, and applaud whatsoeuer he shall say to be true.

4 But to the matter. Mr. *Fitzherbert* in his fourth Chapter endeauoreth to proue two things: the one that I haue falsly charged him with affirming, *that the Doctrine for the Popes power to depose Princes, is manifestly abiured in the Oath, as impious and hereticall*, which hee denyeth to haue affirmed, although hee granteth withall, *that it is true if hee had affirmed it*. The second is, *that my interpretation of that clause of the Oath, wherein the aforesaid Doctrine and Position, That Princes being excommunicated or depriued by the Pope, may be deposed or murdered by their Subiects, is abjured as impious and hereticall, is absurd according to my owne grounds*.

a Cap. 4. nu. 1.

5. As touching the first. Mr. *Fitzherbert* affirmeth, *a* that he saith nothing at all touching his owne opinion, whether the doctrine of deposing Princes be abiured in the Oath as impious and hereticall (and much lesse that it is manifestly abiured as I say he doth) but he affirmeth onely, that the Oath is wholly repugnant to a Canon of the great Councell of Lateran by reason of two clauses therein. And for prooofe thereof, he repeateth (b) the words of his Supplement, which are these? *Fourthly, it appeareth also hereby, and by all the premises, that this Oath of pretended allegiance is an unlawfull Oath, and not to be taken by any Christian man, seeing that it flatly contradicteth the said Councell, and Canon, not onely because it denieth that the Pope hath any power or authority to depose his Ma-*
iestie

b Nu. 2.

iestie, or to discharge any of his Subjects of their allegiance, and obedience to his Maiesty, but also because it bindeth the takers of it in expresse words to sweare thus. And I do farther sweare, that from my hart I doe abhorre, detest, & abiure, as impious and hereticall, this damnable doctrine, and position, that princes excommunicated or depriued by the Pope may be deposed, which position was by that Canon expressely ordained to be practised in some cases, yea and executed by the Councells order vpon Reymond Earle of Tolosa. Thus say I in my Suppliment.

6. Now I report^c me to the indifferent Reader, whether I affirme any more, then that these two clauses of the Oath are flatly against the Councell of Lateran, because the Popes power to depose Princes (which the said Councell acknowledgeth and approueth by an expresse Canon) is denied therein; and this is manifest as well by all my precedent discourse, as by that which followeth; for all that which I amply debated before, touching the Councell of Lateran, concerned onely the Popes power to depose Princes, without any one word whether the abiuration or deniall thereof be hereticall; and my conclusion of the later clause confirmeth the same: for I add immediately these words, which position, (to wit, that Princes being excommunicated or depriued by the Pope may be deposed) was by that Canon expressely ordained to be practised in some cases; yea and was executed by the Councells order, vpon Reymond Earle of Tolosa.

^c Nu. 3.

7. Whereby it appeareth,^d that whereas the clause mentioneth two things; the one the doctrine and position, that Princes excommunicated, or depriued by the Pope may be deposed; and the other, that the said doctrine is abiured, as impious and hereticall; I treat onely of the former, and speake not one word of the later. So as my Adversary Widdrington charging me to haue falsely affirmed, that the Popes power to depose Princes is manifestly abiured in this Oath, hath charged me falsely, and therefore may take his imputation of falsity to himselfe. Thus M. Fitzherbert.

^d Nu. 4.

8. But in truth I cannot but wonder, where Mr. *Fitzherberts* memory was, when he wrote these words, that he could not perceiue, that he himfelfe here faith as much as I affirmed him to say: and therefore if he can finde no better a shift and euafion, then to deny with so bould a face that very same thinge, which he himfelfe in this very place doth so plainly affirme, the *untruth*, I dare not say *falsity*, wherewith I charged him, will still remaine with him, and will not be taken from him by me, besides the disgrace for a man of his fashion, quality, and profession, to deny so bouldly that he affirmeth that thing, which euery Child who vnderstandeth English, may perceiue that he doth affirme. For marke his words, *The Oath*, faith he, *bindeth the takers of it in expresse words to sweare thus: And I doe further sweare, that I doe from my heart abhorre, detest, and abiure, as impious and hereticall, this damnable doctrine and position, that Princes excommunicated or deprived by the Pope may be deposed.* Now let any man iudge, whether he that affirmeth, that the Oath bindeth the takers of it in expresse words to sweare, that he doth *abiure* as impious and hereticall *this doctrine, that Princes excommunicated or deprived by the Pope may be deposed*, doth not affirme, that the doctrine concerning the Popes power to depose Princes is plainly, manifestly, or in expresse words *abiured* in this oath as impious and hereticall.

9. But obserue how cunningly M. *Fitzherbert*, be-like to returne the imputation of *falsity* vpon mee would delude his Reader. *Whereas the clause of the oath*, faith he, *mentioneth two things; the one the doctrine and position, that Princes excommunicated or deprived by the Pope may be deposed; and the other, that the said doctrine is abiured as impious and hereticall,* (Loe here againe hee granteth as much, as I said hee did affirme, to wit, that the doctrine, which holdeth that Princes excommunicated or deprived by the Pope may be deposed, is abiured in this oath as impious and hereticall)

I treat onely of the former, and speake not one word of the later; and all that which I amply debated before touching the Councell of Lateran concerned onely the Popes power to depose Princes, without any one word, whether the abjuratiō, or deniall thereof be hereticall.

10. Belike this man would make his Reader beleue, that I did say, that he had amply debated, treated, or made some discourse of this point, and that he had endeauoured to proue, that the oath is vnlawfull, and against the Councell of *Lateran*, in regard it bindeth the takers of it to sweare, *that they doe from their heart abhorre, detest, and abinre as impious and hereticall this doctrine and position, that Princes excommunicated or deprived by the Pope may be deposed*; whereas I say no such thing, but onely that Master Fitzherbert doth barely affirme, *that the oath bindeth the takers to abinre, or, which is all one in sense, that in this oath is abiured as impious and hereticall this doctrine, and categorical proposition, ex parte prædicati, that Princes excommunicated or deprived by the Pope may be deposed.* And thus much hee himselfe, as you haue seene in this very place, doth twice affirme: which his assertion I said is not true, for that it onely bindeth the takers to abjure as *impious, and hereticall, this doctrine and hypothetical proposition ex parte prædicati, that Princes excommunicated or deprived by the Pope may be deposed or murdered by their subiects, or any other whatsoever,* which hath a farre different sense from the former, as I will shew beneath. So that he may still take to himselfe that imputation of *falsuy, or vnt ruth*, wherewith I did truly charge him, and hereafter be more warie, if hee haue any care of his credit, not to maintaine such palpable vnt ruths, which euery Schoole-boy may easily perceiue so to be. And thus much for the first point. Now you shall see how learnedly he proueth the second.

11. *Neuerthelesse I would not, saith he, haue Withdring-*

• Nu. 5.

drington to thinke, that because I deny, that I haue said so in my Supplement, therefore I doe, or will deny, that it is so: for it is euident in that clause, that the taker of the oath abiureth this doctrine as impious and hereticall, to wit, that Princes excommunicated or deprined by the Pope may be deposed, or murthered by their subiects, or any other, whereby not onely the Popes power to depose Princes is denied, but also the doctrine thereof is abiured as impious and hereticall: And this, I say, is euident, notwithstanding the frivolous euasion, which my Adversary Wid-drington seeketh by his extranagant interpretation of that clause, when hee saith, as you haue heard, that the sense and meaning thereof is no other, but that it is hereticall to affirme it to be in the free power of subiects or any other to depose, or (if they list) to kill Princes that are excommunicated or deprined by the Pope.

¶ Nu. 6.

12. Whereby^f hee giueth to vnderstand, that the doctrine, and position abiured in that clause, containeth two members, the one concerning the deposition of Princes, and the other concerning the murther of them; and that it is abiured as hereticall in respect of the later onely: as who would say, that it is an hereticall doctrine to teach, or affirme, that Princes excommunicated by the Pope may be murthered. So that albeit there be mention also of the deposition of Princes (as that they may be deposed or murthered) yet the doctrine of deposition is not abiured in that clause as hereticall, except it be ioyned with the murther of them; in such sort, that a man may freely choose whether he will depose, or murther them.

13. But that the Reader may more fully vnderstand, whether Master Fitzherberts Reply be a meere shift, or my answer an absurd, frivolous, and extranagant euasion, and contention de lana caprina (such foule termes, and farre worse it is not foule for him to vse against mee, and yet if I doe onely say, that hee affirmeth that which is false, or not true, I fall very foule upon him) I will set downe entirely, what I answered in my Theologicall

logical Disputation, and not in that lame manner, as he relateth my answer. It was objected by the Author of the English Dialogue betweene the two sisters Protestancie and Puritanisme, that this clause of the oath. (*And I do further sweare, that I do from my hart abhorre, detest and abiure, as impious and hereticall, this damnable doctrine and position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their subiects, or any other whatsoeuer*) cannot be taken without periuire: And this was his argument.

14. *Whensoever an affirmative proposition is hereticall, of necessity it must be either against faith, and consequently against the expresse word of God, or else the contradictorie negative must be a position of faith, and contained in the expresse word of God.*

But neither this affirmative position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subiects, or any other what soeuer, is against the expresse word of God, neither the contradictorie negative, to wit, that Princes being excommunicated or deprived by the Pope, may not be deposed or murdered by their subiects, or any other whatsoeuer, is contained in the expresse word of God.

Therefore the former position, that Princes being excommunicated or deprived by the Pope, may be deposed or murdered by their Subiects, or any other whatsoeuer, is not hereticall.

15. *And if perchance it should be answered, that where as it is written in the 20. Chapter of Exod. Thou shalt not kill, and 1. Reg. 26. Destroy him not, for who shall lay the hands on the Lords annointed, and be guiltlesse? One part of the aforesaid position, to wit, that Princes may be murdered, is hereticall and against the expresse Word of God, and therefore the whole position, in regard of this one part, may be abiured as hereticall; yet this answer is not sufficient: For the position in hand, to wit, That Princes being excommunicated or deprived by the*

Pope may be deposed, or murdered by their Subiects or any other, doth not absolutely affirme, that Princes, after they be excommunicated or depriued by the Pope, may be murdered by their Subiects, or any other, but with a disiunction, to wit, may be deposed, or murdered. And therefore although the position were hereticall, if it did onely affirme they might be murdered, yet not affirming this, but onely that they may be deposed, or murdered, there is no shewe of heresie in it, in regard of being contrary to the aforesaid texts of Scripture, to which it is nothing contrary at all.

16. For, according to the most true and approued rule of the Logicians, to make a disiunctiue proposition, or any thing affirmed under a disiunction to be false and hereticall, it is necessary, that both parts of the disiunction be also false and hereticall; neither is it sufficient, that one onely part be hereticall. And therefore although that the second part of the disiunction, to wit, That Princes, being excommunicated, or depriued by the Pope, may be murdered, be hereticall and against the expresse word of God; yet because the first part of the disiunction, to wit, that such Princes may be deposed by their Subiects, or any other, is not hereticall, nor contrary to the expresse word of God, the whole disiunctiue position cannot be in very deed hereticall, and therefore neither can it be abinred as hereticall.

g Cap. 5. sec.
2. nu. 8. et
seq.

17. To this obiection I gaue two answers. The first and principall answer was, that albeit the aforesaid proposition, Princes which be excommunicated or depriued by the Pope, may be deposed or murdered by their Subiects &c. doth seeme by reason of that later conjunction [or] to be a disiunctiue proposition, or rather a Categorical proposition of such a disiunctiue predicate, as the Logicians tearme it, which virtually doth imply, or may be resolued into a disiunctiue proposition (to the verity of which disiunctiue proposition, it is onely required, as it was said in the obiection, that

one

"one part of the disjunction be true: and to make the
 "whole disjunction false and *hereticall*, both parts of
 "the disjunction must be false and *hereticall*: nei-
 "ther doth it suffice, that one only part be false and
 "*hereticall*) \ neuertheless according to the common
 "sense and meaning of the words, it is in very deed,
 "and according to our English phrase, *equivalent* to
 "a copulative proposition, or rather to a *Categorical*
 "proposition of such a *Copulate predicate*, which may
 "be resolved into a copulative proposition, to the ve i-
 "ty whereof, according to the Logicians rule, it is
 "contrariwise required, that both parts of the copu-
 "lation be true; and to make the whole proposition
 "false and *hereticall*, it is not required that both parts of
 "the copulation be false and *hereticall*, but it sufficeth
 "that one onely part thereof be false and *hereticall*.
 "Neither is it vnusuall, that a coniunction disjunctiue
 "be sometimes taken for a copulative, and a copula-
 "tiue for a disjunctiue, as we may see in *Leg. supe. P.*
 "*de verb. rum significat.* Whereof read *Felinus* in Cap.
 "*inter ceteras de rescriptis.* *Ioannes Azorins* tom. 1.
 "*Instr. Lib. 5 Cap. 25.* and *Salas, disp. 21. de Le-*
 "*gibus, sect. 3. regula 26.*
 "18. But if any one will needes contend, that the
 "aforesaid proposition, *Princes, which are excommuni-*
 "*cated or deprived by the Pope &c.* by reason of that
 "disjunctiue coniunction [*or*] is altogether a disjunctiue
 "proposition; this notwithstanding being granted,
 "the obiection may easily be answered. For albeit we
 "admit it to be a disjunctiue proposition, neuertheless
 "wee affirme, that it is not an *absolute* disjunctiue,
 "whereof the aforesaid rule of the Logicians, to wit,
 "that both parts of the disjunction must be *hereticall*,
 "to make the whole disjunction to be *hereticall*, is to be
 "vnderstood, but it is a *conditional* disjunctiue, which
 "importeth a free choice, or election of the will, or
 "which is all one, a free power to chose whether part

^h The Latine word *equi-pol.* let in this place of my *Theolog. Disputation* is not well translated into English it doth import, it should be, it is equivalent.

“of the disjunction we please, to the verity of which
 “conditionall disjunctive is required, that you may
 “choose whether part of the disjunction you please;
 “and if it be *hereticall* to affirme, that it is in the free
 “power of the will to choose whether part of the dis-
 “junction we please, the whole disjunction, or dis-
 “junctive proposition implying such a *condition*, or free
 “election, without doubt is *hereticall*.

“19. Now that this disjunction [*or*] being placed
 “in the aforesaid proposition is in common sense, ac-
 “cording to our English phrase, *equivalent* to^h a copu-
 “lation, or such a disjunction, which leaveth a free
 “power in the Subjects to choose whether part they
 “will, that is to depose the King, or if they please,
 “to murder him, will most evidently appeare, if both
 “in common speech, and also in the lawes of the
 “Realme, we diligently consider the proper, and vsu-
 “all signification of this word [*may*] when there fol-
 “loweth the conjunction disjunctive [*or*]. And this
 “may be shewed by almost innumerable examples,
 “whereof some of them wee will here set downe. As
 “for example: you may stay here, or depart. You may
 “eat or drinke. You may buy wine or oyle. You may goe
 “to such a place by land, or by water. You may buy that
 “land in fee-farme, or by lease. The King by vertue of an
 “Act of Parliament may take of convicted Popish Recu-
 “sants twenty pounds for every moneth, or the third part
 “of all their lands. The Sheriefe may presently hang a
 “theife condemned to die, or delay his death for some small
 “time. If any person hold any lands of an other Lord, then
 “of the King, by Knights service, hee may giue, dispose,
 “or assure by his last will, and testament, two parts of the
 “said lands holden by Knights service, or of as much there-
 “of as shall amount to the full yearly valew of two parts.
 “If a man by his last will and testament ordaine, that his
 “Executors may bestow twenty pounds upon the poore, or
 “repaire such a bridge, it is in the free power of the Execu-

“tors, to choose whether of those two they please. Finally
 “in clauses of renocation, where the words are, that one
 “may by any deed in his life time, or by his last will and
 “testament reuoke the said vses, and limit new, it is in his
 “power and choice to doe it by the one, or by the other, as
 “he shall please. And in infinite such like examples the
 “verb [*may*] implieth a free power to choose either
 “part of the disunction one pleaseth, neither can
 “there scarcely be alledged any one example, where-
 “in the coniunction disiunctiue [*or*] immediately fol-
 “lowing the verbe [*may*] is not so taken.

“20. Wherefore the plaine and vsuall meaning of
 “the aforesaid proposition, *Princes, which be excom-*
 “*municated, or deprived by the Prpe, may be deposed, or*
 “*murthered by their Subiects, or, which is all one, Sub-*
 “*iects may depose, or murther their Princes being excom-*
 “*municated, or deprived by the Pope* (for that in this last
 “onely the verbe *passiue* is changed into the *actiue*) is,
 “that it is in the free choice of the Subiects to *depose*,
 “or if they will, to *murther* such Princes. So that if it
 “be *hereticall* to affirme, as without doubt it is, that
 “it is in the free power of Subiects to *depose*, or *mur-*
 “*ther* such Princes, because it is *hereticall* and against
 “the expresse word of God to affirme, that they may
 “*murther* them, the aforesaid position consisting of
 “that disunction is *hereticall*, and therefore it may
 “without any danger at all of periurie be abiured as
 “*hereticall*.

“21. From hence it may be gathered first, that ac-
 “cording to the common, and vsuall vnderstan-
 “ding of our English phrase, there is a great distincti-
 “on betwixt these two verbs [*may*] and [*can*]. For
 “[*can*] doth vsually signifie a power in generall, whe-
 “ther it be *naturall*, or *morall*, but [*may*] for the most
 “part importeth a *morall* power, to wit, if it be vsed
 “alone without any coniunction following it, most
 “commonly it signifieth a lawfullnes to do the thing

“ proposed: As, I may doe this, signifieth, that it is
 “ lawfull for mee to doe this: but if there follow it a
 “ a *coniunction copulatiue*, or *disiunctiue*, it implyeth a
 “ choice, or free power, to choose whether part of the dis-
 “ iunction, or copulation one will.

“ Seeing therefore that the Latine verbe [*possum*]
 “ implyeth a power in generall, whether it bee natu-
 “ rall, or morall, and according to the thing affirmed
 “ or denied, it is limited to a naturall or morall pow-
 “ er: as in this proposition, *Ignis potest comburere*, The
 “ fire hath power to burne, it signifieth a naturall and ne-
 “ cessary power in the fire to burne: and in this, *potest*
 “ *homo eligere bonum, aut malum*; A man hath power to
 “ choose good or euill, it signifieth a morall and free pow-
 “ er: from hence it followeth, that this proposition,
 “ *Subiects may depose or murder their Prince, being ex-*
 “ *communicated or deprived by the Pope*, is not so pro-
 “ perly and significantly translated into Latine by the
 “ verbe [*possum*] *Subditi possunt deponere aut occidere*
 “ *suum Principem excommunicatum &c.* as by the sub-
 “ stantive of [*possum*] or by the verbe [*permittitur*]
 “ to wit, *in potestate est subditorum, or permittitur sub-*
 “ *ditis Principem suum excommunicatum, vel depri-*
 “ *natum per Pontificem, deponere aut occidere.* It
 “ is in the power of Subiects, or it is permitted to Sub-
 “ iects, to depose or murder their Prince being excom-
 “ municated or deprived by the Pope. And therefore the
 “ Latine translation of this Oath, doth not by the
 “ verbe [*possum*] significantly expresse the proper and
 “ usuall signification of the verbe [*may*] contained in
 “ the aforesaid Position, vnlesse either the coniunction
 “ copulatiue [*and*] be put in place of [*or*] to wit, *Prin-*
 “ *cipes per Papam excommunicati vel deprivati possunt*
 “ *per suos Subditos deponere & occidere*, *deposed and murder-*
 “ *ed*, as Cardinall Bellarmine, and Antonius Capellus
 “ haue it in their bookes translated, or else there bee
 “ vnderstood a condition of the free-will to choose
 whether

"whether part of the disjunction they please, to wit,
"possunt deponi per suos Subditos, aut (if velint,) occidi, bee
"deposed, or (if the Subjects will) be murdered.

"23 Secondly from hence it is also gathered, that
"in a disjunctive proposition, wherein is implied a con-
"dition of the will to choose freely either part of the
"disjunction, it maketh all one sense, whether the con-
"junction copulative [and] or the disjunctive [or] bee
"used: For both of them doe signifie a free power to
"choose which part one pleaseth: and so the conjunction
"disjunctive hath in sense the vertue and force of a
"copulative, & the copulative of a disjunctive. Where-
"fore when the ancient Fathers speak of our free-will,
"and doe affirme, that it is in our power to choose
"good or euill, they vse indifferently the conjunction
"disjunctive [or] and the copulative [and] sometimes
"affirming that it is in our power to choose good or
"euill; other times that it is in our power to choose
"good and euill. Yea Card. Bellarmine himselfe pro-
"pounding in his Controversies the question concer-
"ning free-will, doth confound [or] with [and], and
"taketh them for all one. There is a controuersie, saith
"he betwixt Catholikes and heretikes, whether a man in
"the state of corrupt nature hath free-will to choose mo-
"rall good, [and] to avoid euill, or which is all one, to
"observe [or] breake morall precepts.

"24. Seeing therefore that in this proposition,
"Princes being excommunicated, or deprived by the Pope,
"may be deposed or murdered by their Subjects, or, which
"is all one, Subjects may depose or murder their Prince
"being excommunicated or deprived by the Pope, the
"verbe [may] doth import a free power in the Sub-
"jects to choose which part of the disjunction they
"please, that is, to depose such Princes, or, if they
"please, to murder them, it maketh all one sense, whe-
"ther it bee said, Princes may be deposed or murdered,
"by their subjects, or Princes may bee deposed and mur-
"thered.

1 Tom. 4. Lib.
5, Chap. 13, in
principio.

"thered by their Subiects, as Card. Bellarmine, and An-
 "tonius Cappellus, putting the Coniunction copulatiue
 "[and] do seeme to haue well obserued, and to be of
 "opinion, that the aforesaid disiunctiue proposition
 "is in very deed *equiualent* to a copulatiue, or such a
 "conditionall disiunctiue, which virtually doth con-
 "taine a copulatiue. And truely, if this pretended
 "demonstration of this Author were so euident an ar-
 "gument, as hee imagineth it to be, to condemne
 "this oath as sacrilegious, without doubt it could
 "not haue escaped the most quick vnderstanding of
 "Card. Bellarmine, who also would not haue neglect-
 "ed to produce any reason, which might clearly haue
 "conuincd the oath to be apparantly vnlawfull.

"Now from this which hath bene said, it is easie
 "to answer in forme to the aforesaid obiection, whose
 "whole strength dependeth vpon the nature and qua-
 "lity of a disiunctiue proposition.

"Wherefore to the *minor* proposition it is answe-
 "red, that it is *hereticall* and against the expresse word
 "of God contayned in the aforesaid two texts of holy
 "Scripture, to affirme, *That Princes, which be ex-*
 "*communicated or deprined by the Pope may be deposed*
 "*or murdered by their Subiects, or any other, or, which*
 "*is all one, that Subiects, or any other may depose or mur-*
 "*ther such Princes.* For the plaine and common mea-
 "ning of this proposition is, as I haue shewed before,
 "that it is in the free power of subiects, or of any other,
 "to depose such Princes, or, if they will, to murder
 "them, which proposition is flat *hereticall*.

"26. And whereas it is objected, that the afore-
 "said proposition, *Princes which be excommunicated*
 "*&c.* is a *disiunctiue*, but to the veritie of a *disiunctiue*
 "proposition, it is sufficient, that one part of the dis-
 "iunction be true, and to make the whole disiunct-
 "iue proposition to be false and *hereticall*, it is neces-
 "sary according to the most certaine rule of the Lo-
 "gicians,

“gicians, that both parts of the disjunction be false
“and hereticall.

“It is answered first to the *Minor*, that although
“in externall sound the aforesaid proposition, *Princes*
“*which be excommunicated &c.* seeme to be a disjuncti-
“*ue*, yet in very deede, and according to the plaine
“and common vnderstanding of our English phrase,
“it is, as I haue already shewed, *equivalent* to a copu-
“lative, to the veritie of which it is necessary, that
“both parts of the *copulation* be true, and to make the
“whole copulative proposition to be false and hereti-
“call, it sufficeth, that one onely part of the copula-
“tion be false and hereticall. Now that one part of
“the aforesaid proposition, to wit, *that Princes which*
“*bee excommunicated or deprived by the Pope, may be*
“*murdered by their Subjects, or any other*, is flat hereti-
“call, it is too too manifest.

“27 But least we should seeme to contend about
“bare words, I answer *secondly*, and grant, that the
“aforesaid proposition, *Princes, which be excommuni-*
“*cated, &c.* is a disjunction; But then the *Minor* propo-
“sition is to bee distinguished. For when the Logi-
“cians affirme, that to the verity of a disjunctiue pro-
“position it is sufficient, that one part of the disjuncti-
“on be true, and to make the whole disjunctiue to be
“hereticall, it is necessary that both parts of the dis-
“junction be hereticall, that approved rule of the Lo-
“gicians is to be vnderstood of an *absolute disjunctiue*,
“to wit, which doth not vertually containe in it a con-
“dition, or free power in the will to choose whether
“part one pleaseth. For to the verity of this *conditio-*
“*nal* disjunctiue it is necessary, that both parts of the
“disjunction may be chosen, and if it be hereticall to af-
“firme, that it is in the free choise of any man to chuse
“whether part of the disjunction he pleaseth, the
“whole disjunctiue proposition is hereticall. Now that
“it is hereticall to affirme, that it is in the free power

“ of Subjects to depose, or if they will, to murder
 “ Princes being excommunicated or deprived by the
 “ Pope, no man can call in question.

“ 28. Neuerthelesse the *Author* of this *Dialogue*
 “ doth seeme to deale somewhat cunningly, and en-
 “ deauoureth not so much to impugne *directly* the af-
 “ firmatiue proposition, which is expressely contained in
 “ the Oath, and to proue *directly*, that the aforesaid
 “ position, *Princes being excommunicated &c. may be*
 “ *deposed or murdered*, not to be hereticall, as the
 “ oath affirmeth it to be; but he flyeth from the affir-
 “ matiuē to the negatiue, and indeauoureth to shew,
 “ that the contradictorie proposition, to wit, *Princes*
 “ *being excommunicated &c. cannot be deposed or mur-*
 “ *dered &c.* is not certaine of faith, nor contained in
 “ the expresse word of God; from whence he conclu-
 “ deth, that therefore the former affirmatiue propo-
 “ sition, which is in expresse words containd in the
 “ Oath, is not hereticall, *because in what degree of fals-*
 “ *hood any position is false, in the opposite degree of truth*
 “ *the contradictory must be true.*

“ 29. But this *Author* by his manner of arguing see-
 “ meth desirous to shun the difficulty, and to impugne
 “ a proposition, which is more cleare and manifest, by
 “ an other more obscure and equiuocall, which among
 “ Logicians is accounted a great defect in arguing,
 “ whose nature is to proue one thing lesse manifest by an o-
 “ ther more apparant. For the fallhood of this affirma-
 “ tiue proposition, *Princes, which be excommunicated*
 “ *or deprived by the Pope may be deposed or murdered*
 “ *by their Subjects, or which is all one, Subjects may*
 “ *depose or murder such Princes, who be excommunicated*
 “ *&c.* is more cleare and manifest in the common vn-
 “ derstanding of our English phrase, then is the truth
 “ of this negatiue, *Subjects may not depose or murder*
 “ *such Princes, who be excommunicated &c.* by reason of
 “ the negatiue aduerb [*not*] which as the Logicians say, is
 of

“ of a *malignant nature*; for that it destroyeth, or deny-
 “ eth whatsoever followeth after it, making an af-
 “ firmative to be a negative, and a negative to be an
 “ affirmative, an vniuersall to be a particular, and a
 “ particular to be an vniuersall. ^k So that the mea-
 “ ning of the aforesaid negative proposition, is by rea-
 “ son of that negative aduerbe [*not*] made ambiguous,
 “ and may haue this sense, that *Subjects may neither de-*
 “ *pose nor murder such Princes, who be excommunicated*
 “ *or deprived by the Pope*: which proposition so vn-
 “ derstood, is not of faith, neither in very deed con-
 “ tradictory to the proper and vsuall meaning of the
 “ former affirmative, which is abiured in the Oath.
 “ And therefore no meruaile that this *Author* was de-
 “ sirous to fly from the affirmative to the negative.

“ 30. Supposing therefore, that *contradiction*, ac-
 “ cording to the approued doctrine of *Aristotle*, ¹ is an
 “ *affirming and denying of the selfe same thing, in the selfe*
 “ *same manner*, I answer, that this negative positi-
 “ on, *Princes which be excommunicated or deprived by*
 “ *the Pope, may not be deposed or murdered by their Sub-*
 “ *jects*, is contradictory to that affirmative position,
 “ which is abiured in the Oath, if the verbe [*may*] be
 “ taken in the same manner, or sense in the negative,
 “ as it is taken in the affirmative: And then as the af-
 “ firmative is hereticall, so the negative is of Faith. For
 “ as the sense of the affirmative is, as I haue shewed be-
 “ fore, that it is in the free choise of *Subjects* either to
 “ *depose such Princes who be excommunicated or deprived*
 “ *by the Pope, or if they will, to murder them*, which
 “ is false, hereticall, and against those expresse words
 “ of Scripture, *Thou shalt not kill, Kill him not &c.* So
 “ the sense of the negative contradictory must be, that
 “ *it is not in the free choice of Subjects to depose such Prin-*
 “ *ces, or if they please, to murder them*; which propo-
 “ sition is most true, and contained in the expresse
 “ word of God, because it is not in their free power

^k As this vni-
 uersall affir-
 matiuē propo-
 sition, all men
 are sensible, is
 by putting not
 in the begin-
 ing, not all men
 are sensible,
 made, a parti-
 cular negative.

¹ Lib. 1. de
 interpretat.
 Cap. 4.

“to murder them, as is manifest by the former places
“of holy Scripture.

31 And thus much concerning the *first* and *principall* Answer, which I thought good to set downe at large, both for that the Reader may the better iudge of my *Answer*, and also of M. *Fitzherberts Reply*, who taketh no other particular exception against the Oath, besides the generall Doctrine concerning the Popes power to depose Princes, which he will needs haue to bee a poynt of faith, and therefore not to bee denied by any Catholike, and also for that there be some Catholikes, who although they be of opinion, as was the *Author* of that English *Dialogue*, that there is nothing against faith contained in the oath, and that the Doctrine for the Popes power to depose Princes is not a poynt of faith, but in Controuersie among Catholikes, notwithstanding the *Popes Breues*, or any other decree of *Pope* or *Councell*, which are vrged to the contrary, yet they can hardly be perswaded, but that by reason of that word [*hereticall*] that clause of the Oath is vnlawfull and cannot bee taken without periury, as the *Author* of that *Dialogue* did by the aforesaid Argument pretend to demonstrate.

m 10. 10. 32 Now you shall see what exceptions M. *Fitzherbert* taketh against this my Answer. *First* hee saith, m that I contend de lana caprina, and labour in vaine to proue, that the English word [*may*] in a disjunctive proposition implyeth a freedom to choose whether part we list of the disjunction, wherein also by the way he saith, that I abuse strangers in seeking to perswade them, that the Latine verbe [*possunt*] in the Latine Translation of the Oath, doth not sufficiently expresse the nature of the English word [*may*] in this clause, *Principes per Papam excommunicati vel depriuari possunt per suos subditos, vel alios quoscunque, deponant occidi: Princes being excommunicated or deprived by the Pope may be deposed or murdered by their Subiects, or any other whatsoever.*

33 But first, who seeth not, that this question, to wit whether this proposition, *Princes which are excommunicated or deprived by the Pope, may bee deposed or murdered by their Subjects, or any other*, be such a disjunctive proposition which implyeth a free election in the Subjects or others, to choose whether they will *depose* or *murder* such Princes, is both a question of great moment, and not *de lana caprina*, & also that I have not laboured in vaine to proue, but by the common vnderstanding of the words in vsuall speech and in the lawes of our Realme, sufficiently proued that the verbe [*may*] in an affirmatiue disjunctive proposition, when there followeth the coniunction disjunctive [*or*] implyeth a freedome to choose whether part of the disjunction wee list, as by many examples both in common speech, and by the lawes of our Realme I haue cleerely conuincied; neither can there scarcely be alleadged any one example, wherein the coniunction disjunctive [*or*] immediatly following the verbe [*may*] in an affirmatiue proposition doth not imply a free election to choose which part of the disjunction we please.

34 Secondly, it is not true, that I haue abused the Latine Reader in seeking to perswade him, that the Latine verbe [*possunt*] in the Latine Translation of the Oath, doth not sufficiently expresse the proper and vsuall signification of the verbe [*may*] contained in the aforesaid position, valesse either the coniunction copulatiue [*et*] bee put in place of [*aut*], as Card. Bellarmine, Anton. Capellus, & now lastly F. Suarez haue it in their bookes translated, or else there be vnderstood a condition of the free will to choose in that clause [*deposed or murdered by their Subjects*] which part of the disjunction the Subjects please: But M. Fitzherbert rather abuseth his English Readers, who vnderstand not Latine in affirming the contrary. For the Latine verbe [*possunt*] doth by his proper signification, as I haue said, import a power in generall, whether it bee natu-

rall or morall, and according to the matter it is limited to a naturall or morall power: but the verbe [*may*] is by his proper signification limited onely to a morall or free power: *free* I meane, 'not as *free* is all one with *morall*, but if there follow the coniunction copulative or disiunctiue, to choose whether part of the disiunction wee please: and if the verbe [*may*] doe sometimes signifie a naturall power, as in this, *the fire may burne wood or straw*, it is by reason of the matter, or of the thing affirmed; or denyed, and not by vertue of the proper and vsuall signification of the verbe [*may*]: And howsoeuer, when the verbe [*may*] goerh before the coniunction disiunctiue [*or*] it doth properly and vsuallly signifie a choice, freedome, or indifferency to take either part of the disiunction.

35. But marke here the cunning (I dare not say fraude, and falsehood of my *Aduersary*, for that hee checked mee before for falling very foule vpon him in saying that he affirmed that which was false, as though forsooth all that hee affirmeth, I must take for true) in abusing both me and his Reader. *For whereas*, saith he, *the great mysterie of* [*may*] *is no other, as Widdrington him selfe expoundeth it, but that it signifieth in that clause a morall or lawfull, and not a physicall, or naturall power, who is so senslesse, if he be a Latinist, that doth not understand so much by the word* [*possunt*] *in the Latine translation of that clause, I meane that it signifieth a morall and not a naturall power? Yea and that according to the axiome of the law, Hoc possumus quod iure possumus, wee may doe that, which wee may lawfully doe? To what purpose then doth hee abuse his Latine Reader with such a long, and impertinent discourse, as he maketh here, touching the difference betwixt* [*possunt*] *in Latine, and* [*may*] *in English, as if in this case and question there were some great diuersitie.*

36. See now his sleight. For when I did affirme, that the difference betwixt the English word [*may*] and

and the Latine [*possum*] was, that [*possum*] doth properly signifie a power in generall, whether it be naturall or morall, and [*may*] doth properly signifie a morall and free power, I spake of a morall power in generall, and that briefly without any such long discourse, as you haue seene, but when I spake of this clause of the oath, [*may be deposed or murdered*] I did not speake of a morall or lawfull power in generall, but in particular of such a morall or lawfull power, which implieth a freedom to choose which part of the disjunction we please. And therefore Master *Fitzherbert* saith vntrely abusing therein both me and his Reader, *that I doe make no other mysterie of [may] in this clause of the oath, but that it signifieth a morall or lawfull, and not a phisicall or naturall power.* For I make this mysterie of [*may*] that whensoever there followeth it the coniunction [*or*] as it doth in this clause of the oath, it doth signifie not onely a morall, or lawfull power in generall, but in particular such a morall, or lawfull power, which implieth a free choice to take which part of the disjunction wee list. Which if my *Adversary* will likewise grant of the Latine verbe [*possum*] we shall quickly be at an agreement concerning this clause of the oath, to wit, that I may truely and lawfully abiure as hereticall this damnable doctrine, and conditionall disjunctive position, *That Princes, which be excommunicated, or deprived by the Pope, may be deposed, or murdered by their Subjects, or any other whatsoever, although one part onely of the disjunction be hereticall.*

37. But the truth is, that Master *Fitzherbert* will not seeme directly, and in expresse words to admit, (although by these examples of propositions which hee himselfe beneath doth bring it may cleerely be gathered) that the word [*may*] doth in this clause of the oath signifie such a morall, or free power, which implieth a free choice to take which part of the disjunction we please: and therefore hee maketh a long dis-

course

course (I dare not say *impertinent*) and which hath bin already answered by mee in my *Theologicall Disputation*, whereby hee would seeme to ouerthrow my answer; and therevpon hee called that distinction, which I made betwixt a *conditionall disiunctiue* proposition, which implieth a freedome and condition of the will to choose which part of the disiunction we list, and an *absolute disiunctiue*, which implieth no such choice, a *frivolous euasion*, and an *extravagant interpretation*.

• Nu. 11.

38, Obserue now, good Reader, how insufficiently this man doth impugne my answer. *But let vs see*, saith hee, " *What Widdrington proueth by all this. Hee hath told vs, that the coniunction [or] is sometimes taken for the copulatiue [and] especially when it followeth the verbe [may] because then the proposition is not absolutely disiunctiue, but conditionall, including a free election of either part of the disiunction, whereof hee alledgeth some examples out of the Fathers, yea out of Card. Bellarmine himselfe. But what is this to the purpose? Will hee say, that because [or] is used in those places for [and] ergo it is alwaies so used? we thinke hee should be ashamed so to argue; for besides that his argument would be most vicious, hee might be conuinced by infinite examples of propositions, wherein the disiunctiue coniunction [or] is not taken for the copulatiue [and] although the verbe [may] goeth before it, yea though there be also freedome of election to choose either part of the disiunction, as if wee should say, It is impious and hereticall to hold, that God may be denied, or blasphemed by his creatures. It is not lawfull to teach, that a Priest may eate or drinke before he say Masse. It is folly for a man to thinke, that he may trauell by Sea or Land, without money. It is a shame for a Souldier to say, that hee may yeeld or flie vpon small occasion.*

• Nu. 12.

39 *In these and infinite other such propositions (which might be added if it were needfull) [or] is not taken for [and] but is an absolute disiunctiue coniunction, not with-*

withstanding that [may] goeth before it, and that there is also free election to choose whether part of the disjunction a man will; yea (which is specially to be obserued for our purpose) whatsoever is affirmed of the one part, is also affirmed of the other; as for example, It is impious and hereticall, whether soener a man hold that God may be denied, or blasphemed; It is as vnlawfull to teach, that a Priest may drinke, as that he may eate before hee say Masse; it is no lesse folly to thinke, that a man may trauell by Sea, then by land without money; It is no lesse shame for a Souldier to say, that he may yeeld, then that hee may fly vpon small occasion: And the very like wee say also of the proposition now in question, to wit, that [or] in the words deposed or murthered, is no copulatiue, but a meere disiunctiue coniunction, and that the doctrine of deposing Princes is abjured therein as impious and hereticall, no lesse then the doctrine of murthering them; notwithstanding that the word [may] doth goe before [or] and that a man may choose whether part he will of the disjunction.

40. So as you see, & that neither his examples of propositions, wherein the disiunctiue is taken for the copulatiue, nor his distinction of absolute disiunctiues, and conditionall doe proue any more, but that sometimes [or] is taken for [and] and that in some disiunctiue propositions, wherein the word [may] goeth before [or] the affirmation is not referred alike to both parts of the disjunction; and therefore against vs he hath proued nothing at all, vnlesse hee can make good this inference, It is sometimes so, ergo it is alwaies so, which I am sure hee will not say for shame. And as for the Latine translation of the oath in Card. Bellarmine and Capellus, in the which wee reade deponi et occidi, where the coniunction copulatiue [and] is vsed for the disiunctiue [or] it little importeth, for that it was an error of him, that translated the same out of the English, which they understood not, and therefore must needs take it, as it was giuen them. Thus M Fitzherb. rt.

P. 13.

41. But what sincerity can the Reader expect from this mans hands, when in a controuersie of such great moment, as is this concerning our obedience due to God and Cæsar, hee dealeth so corruptly? For first hee would make his Reader belecue, that I affirme, the *coniunction disiunctiue* [or] in this clause of the oath not to be a *meere, and absolute disiunctiue coniunction*, but a *copulative*, and that the *coniunction* [or] is taken for [and] as though I should affirme, that the proposition is not in very deede a *disiunctiue*, but a *pure copulative proposition*; and that vnlesse [or] be taken for [and] the said proposition, *Princes, which be excommunicated or deprived by the Pope, may be deposed or murdered by their Subjects or any other*, would not be hereticall: Whereas I meane no such thing; neither did I euer say, that [or] in this proposition is taken for [and] or that this proposition is not a true, and proper *disiunctiue proposition*.

42. But that which I affirmed was, that [or] in this proposition is equivalent to [and,] and that although the proposition by reason of that *coniunction* [or] may seeme to be such a *pure and absolute disiunctiue proposition*, to the verity whereof, according to the Logicians rule, is onely required, that one part of the *disiunction* be true, and to make the whole proposition false and hereticall both parts of the *disiunction* must be false and hereticall, yet according to the common sense and meaning of the words it is not in very deed, and according to our English phrase such a *pure and absolute disiunctiue proposition*, but it is a *conditionall disiunctiue*; which importeth a free choice to take which part of the *disiunction* we please, which *conditionall disiunctiue proposition* is equivalent to a *copulative*, or which is all one, followeth the nature and conditions not of an *absolute and common disiunctiue proposition*, whereof the Logicians treat, but of a *copulative proposition*, to the verity whereof according to the Logicians rule, it is contrariwise required, that both parts of the *copulative*, or *conditionall disiunction*, be true; and

to make the whole proposition false and hereticall it sufficeth that one onely part be false and hereticall: And that therefore in this conditionall disjunctive proposition it maketh all one sense, for as much as concerneth the truth or falsehood of the proposition, whether the conjunction copulative [and] or the disjunctive [or] be used, although the force of the proposition be by the vulgar sort more easily perceiued, if the conjunction copulative [and] then if the disjunctive [or] be used.

43. Wherefore I doe not affirme, that the conjunction disjunctive [or] in this clause of the oath is not an absolute disjunctive conjunction (for I doe not make two sorts of disjunctive conjunctions, to wit, absolute and conditionall) or that [or] in this clause is taken for [and] as my Adversary would perswade his Reader; but that which I say is, that the proposition is not an absolute disjunctive proposition, but a conditionall disjunctive, and which implieth a free power to take which part of the disjunction we please, and that therefore, for as much as concerneth the truth or falsehood of the proposition, it is equivalent to a copulative proposition, and followeth the nature and condition of a copulative, and that it hath the same sense, whether the conjunction copulative [and] or the disjunctive [or] be used.

44. Secondly, it is too too cleare, that I did not argue in that absurd & childish manner, as my Adversary would make his Reader believe I doe. It is sometimes so, therefore it is alwaies so; or thus, the conjunction disjunctive [or] is sometime taken for the copulative [and] therefore in this clause of the Oath it is taken so. But I argued thus: The conjunction disjunctive [or] when it followeth the verbe [may] is not onely sometimes, but usually and commonly (I did not say taken) but equivalent to the conjunction copulative [and] for that then the proposition according to the common sense and understanding of the words is not an absolute disjunctive, but a conditionall disjunctive proposition, which includeth a

free condition of the will to choose either part of the disjunction, and therefore hath the same sense, whether the conjunction *disjunctive*, or the *copulative* be used: therefore in this clause of the oath, *Princes may be deposed or murdered by their Subjects*, it ought so to be taken, for that by an expresse clause wee are bound to take the Oath and every part thereof *plainly and sincerely*, according to the *common sense and understanding* of the words. That it is in *common sense* a *conditionall disjunctive proposition*, implying a free election to take either part of the *disjunction*, and consequently *equivalent* to a *copulative proposition*, I proued by very many examples both in common speech, and in the lawes of this Realme: and in the end I added, *that in infinite such like examples the verbe [may] implieth a free power to chuse either part of the disjunction we please: neither can there be scarcely alleged any one example (speaking of affirmatiue propositions) wherein the conjunction [or] immediately following the verbe [may] is not so taken.*

45 From whence I inferred, that in a *disjunctive proposition*, wherein is implied a *condition* of the will to choose freely either part of the *disjunction*, it maketh the same sense, whether the conjunction *copulative*, [*and*] or the *disjunctive* [*or*] be used: for both of them doe import a free election to take which part one pleaseth, and so the conjunction *disjunctive* hath in sense the vertue of a *copulative*, and the *copulative* the vertue of a *disjunctive*. And this I confirmed both by the authority of the ancient Fathers, and also of Card. Bellarmine himselfe, who doe confound [*and*] with [*or*] and [*or*] with [*and*] in propositions which doe imply a free election to choose which part they will. What good dealing then is this of my *Aduersaries* to frame my argument in that absurd, and ridiculous manner, *it is sometimes so, ergo it is alwaies so*, and also to corrupt my words and meaning, as you haue scene he hath done?

46. And albeit I doe remit the Reader to *Felinus Azor*, and *Salas*, where they may see some examples, that a coniunction *disiunctive*, euen in absolute *disiunctive* propositions is sometimes taken for a *copulative*, and a *copulative* for a *disiunctive*, it was not to draw an argument from thence, that therefore either alwaies, or in this clause of the Oath, it was so to be taken, but it was onely to shewe, that seeing it is not strange, euen in absolute *disiunctive* propositions, whereof those Authors did chiefly treat, that [and] should not onely be *equivalent*, but be also taken for [or] and [or] for [and] therefore they ought not to meruaile, that in conditionall *disiunctives* [or] should be, I doe not say taken, but *equivalent* to [and] and [and] to [or]. But the argument, which I brought to prooue, that in this clause of the Oath, the coniunction *disiunctive* [or] is *equivalent* to the *copulative* [and] was taken from the plaine and vsuall sense of our English phrase, and from the common vnderstanding of our English lawes, wherein the coniunction *disiunctive* [or] following the verbe [may] doth commonly imply a free election to take which part of the *disiunction* we please, and which consequently is *equivalent* to a *copulative*, therefore in this clause of the Oath, which I am bound to take according to the common sense of the words, it ought so to be taken: This was my argument.

47. Thirdly, obserue how inconsiderately M. Fitz-berbert bringeth here foure examples of propositions to confute my answer, which neuer thelesse doe most clearly confirme the same. For in all of them the coniunction [or] is *equivalent* to the *copulative* [and] and it maketh all one sense whether [and] or [or] be vsed. As for example, God may be denied or blasphemed by his Creatures. A Priest may eat or drinke before hee say Masse. A man may travell by Sea or by land without money. A Soldier may yeeld or fly upon small occasion. In all these foure examples, wherein my Adversary him-

selfe

selfe granteth a freedome of election to choose whether part of the disiunction a man will, to be implied, the coniunction disiunctiue [*or*] for as much as concerneth the truth or falshood of the Propositions, is *equivalent* to the copulatiue [*and*], and the propositions haue all one sense: whether the coniunction [*and*], or the coniunction [*or*] be vsed: And so it is all one sense whether we say that *God may bee denied or blasphemed by his Creatures*, or that *God may be denied and blasphemed by his Creatures*, that *a Priest may eat or drinke before hee say Masse*, or that *a Priest may eat and drinke before hee say Masse*, and so of the rest: For the sense of them all is, that they may choose this part or that part of the *disiunction*, or this part *and* that part of the *disiunction*, as they will: And so the sense of the first proposition is, that it is in the free power and choice of Creatures *to denie*, or *blaspheme* God, or *to denie* God and also *to blaspheme him* if they will: and of the second that it is in the free power of a Priest *to eat* or *to drinke*, or *to eat*, and, if he please, *to drinke before he say Masse*, and so of the rest. By which it is euident, that in all of them it maketh the same sense, whether the coniunction [*and*] or the coniunction [*or*] be vsed: and so in all of them the coniunction *disiunctiue* is *equivalent* to a *copulatiue*, and the *copulatiue* to a *disiunctiue*.

48 Lastly albeit that which M. Fitzherbert doth specially obserue for his purpose, be true, to wit, that in all those foure examples, which he hath brought, whatsoener is affirmed of the one part of the *disiunction* is also affirmed of the other, notwithstanding that there be also free election to choose which part of the *disiunction* a man will: as for example, it is impious and hereticall whether soener a man hold that *God may bee denied*, or that *hee may bee blasphemed by his Creatures*, it is as vnlawfull to teach that *a Priest may drinke* as that *he may eat before hee say Masse*, and so of the rest: from whence he would inferre the like, that also in this clause of the Oath, the doctrine

doctrine of *deposing* Princes is no lesse abiured as *hereticall* then the doctrine of *murdering* them: neuerthelesse this his obseruation maketh nothing at all for *his purpose*, vnlesse it be to bewray his owne ignorance, and want of Logick, whiles hee doth not perceiue what is truly affirmed of both parts of an *hypotheticall* proposition by *vertue of the forme*, and what by *vertue onely of the matter*. For although in all those foure propositions, which he hath brought, it bee true that the same *impiety, heresie, unlawfulness, folly* or *shame*, which is affirmed of the one part of the disiunction, be also affirmed of the other, yet this is not true by *vertue of the forme* of the proposition consisting of a disiunctiue coniunction, which implyeth a choice to take which part of the *disiunction* a man will; but it is true by *reason onely of the matter*, for that the same thing which is affirmed of the *whole* or *entire disiunctiue* proposition, may bee also affirmed *seuerally* of either part of the *disiunction*: For it is *hereticall* to hold, that *God may be denied by his Creatures*, and likewise it is also *hereticall* to hold, that *God may be blasphemed by his Creatures*, and so of the rest. But let him alter the *matter*, and keepe the same *forme*, that is the same disiunctiue coniunction, which implyeth a free choice to take which part of the *disiunction* a man will, and then hee will quickly perceiue how fowly hee is mistaken, and how insufficiently he hath confuted my *Answer*.

49 As for example, let vs alter the *matter* of his foure propositions, and keepe the same *forme*, that is keep the same disiunctiue coniunction *implying a choice to take which part of the disiunction one wil*, & say, that it is *impious and hereticall* to hold, that *God may be honoured or blasphemed by his creatures*. It is not lawfull to teach that a Priest may sleepe or eat before hee say Masse. It is folly for a man to thinke that hee may trauell by Sea or by Land with the like danger. It is a shame for a Captaine to say, that hee may fight or flye, when his Band is assaul-

ted

ted by the Enemy. All these and infinite other such propositions (which might bee added if it were needfull) are true by reason of one onely part of the *disiunction*: And the reason is generall and common to all *conditionall disiunctive* propositions: for that a *disiunctive* proposition which implyeth a free election to take which part of the *disiunction* one pleaseth, is, I doe not say *sometimes*, but *alwaies equivalent* to a *copulative*, and followeth the nature of a *copulative*, to the verity whereof, as I haue shewed before, it is required that both parts be true, and to make the *whole* or entire proposition to bee false and *hereticall*, it sufficeth, that one onely part bee false and *hereticall*: and that therefore it doth not fellow by force of the *forme*, nature, and conditions of a *conditionall disiunctive proposition*, but onely by reason of the *matter*, that *whatsoever is affirmed of the one part of the disiunction is also affirmed of the other*.

50 Seeing therefore that this proposition, *Subjects may depose or murder their Prince being excommunicated or deprived by the Pope*, implieth a free election to choose which part of the *disiunction* we please, and it is *hereticall* to affirme, that *Subjects may murder such a Prince*, I may truly, lawfully, and without any periurie abiure that proposition as *hereticall*, although the doctrine onely of *murdering* such Princes should be *hereticall*, and not the doctrine of *deposing* them, whereof neuerthelesse wee will treat beneath 9. So as you see, that none of all M. Fitzherberts examples maketh for him, but all are flat against him, and that it is not true, that I doe argue in this ridiculous manner, *It is sometimes so, therefore it is alwaies so, or therefore it is now so*, which were to argue *ex puris particularibus*, from pure particular propositions, which kind of arguing all Logicians account to be very vicious: But I argue thus: *The words are commonly taken so, therefore I, who am bound to take the oath, and every clause thereof according to the common sense of the words, am bound to take this*

9 Nu. 106.
 & seq.

this clause of the oath so, which manner of arguing to be good, I am sure he will not deny for shame.

51. But my *Aduersary* little perceiueth, how hee himselfe falleth into that vice of arguing, whereof he vntruely accuseth me, to wit, *It is sometimes so, therefore it is alwaies so, or therefore it is now so.* For he pretendeth to proue, that because in those foure conditionall *disiunctiue* propositions, and many such like, whatsoeuer is affirmed of the one part of the *disiunction*, is also affirmed of the other, notwithstanding that there be also free election to choose whether part of the *disiunction* a man will, which is onely true in some particular propositions, and that onely by reason of the matter and not by vertue of the forme and quality of the conditionall *disiunctiue* proposition, therefore in this clause of the oath, because *hereticall* is affirmed of the doctrine to murder Princes, it must also be affirmed of the doctrine to depose them, which is to argue *ex puris particularibus*, from pure particular propositions, and is all one to say, *it is sometimes so, therefore it is now so.* But my manner of arguing is from a *uniuersall* proposition to inferre a particular, to wit, that because in every conditionall *disiunctiue* proposition implying a choice, &c, by vertue of the forme, it is sufficient to make the whole proposition false and *hereticall*, that one onely part of the *disiunction* be false and *hereticall*, and consequently it is sufficient, that *hereticall* be affirmed of the one part, and not of the other, although sometimes by reason of the matter it may be affirmed of both, therefore in this particular *disiunctiue* proposition, Princes being excommunicated or deprived by the Pope may be deposed or murdered by their Subjects or any other, it is sufficient to make the whole proposition *hereticall*, that one onely part of the *disiunction* be *hereticall*, and that therefore the doctrine to murder such Princes may be abjured as *hereticall*, with out abiuring as *hereticall* the doctrine to depose them.

52. And what man is there so simple, who may not presently perceiue, that in the very same manner, and by the same foure examples which my Aduersary bringeth to impugne my interpretation of those words [*deposed or murthered*] hee might argue, if the words were, [*deposed and murthered*] and in those his foure examples of propositions [*or*] were changed into [*and*] wherby they would be made *copulative*, and not *disiunctive* propositions? For then also whatsoever is affirmed of the one part, would also be affirmed of the other: *As it is impius and hereticall to hold, that God may be denied and blasphemed by his creatures. It is unlawfull to teach, that a Priest may eat, and drinke before hee say Masse, and so of the rest: And yet if he haue any skill in Logike, as in truth I thinke hee hath but little, hee will be ashamed to inferre from thence, that therefore in copulative propositions, whatsoever is affirmed of the one part is also affirmed of the other: for that in a false and hereticall copulative proposition, it sufficeth, according to the Logicians rule, that one onely part be false and hereticall: which plainly sheweth how viciously he confuteth my interpretation of those words [*deposed or murthered*] ex puris particularibus, from some particular examples of propositions, which are onely true by reason of the matter, not regarding what is generally, and alwaies required by vertue of the forme, and nature of the conditionall disiunctive proposition to make the whole proposition true, or false, of faith or hereticall, howsoever truth, falshood, or heresie may be affirmed severally of one only, or of both parts of the disiunction.*

53. And whereas M. Fitzherbert affirmeth, that Card. Bellarmine, and Capellus were in the translation of those words [*deposed and murthered*] deceived by the error of him, who translated the Oath out of English into Latin, I am content to take it at this time for an answer, for that I doe not relie vpon their authority in this poynt, but vpon the common vnderstanding

standing of all men, who in a *conditionall disjunctive* proposition make [*or*] equivalent to [*and*] and [*and*] to [*or*]. Neuerthelesse this I must needs say, that it might be perchance an error of the *Printer*, which also if it had bene, me thinkes that Card. *Bellarmino*, *Capellus*, or *Fa. Suarez* would haue noted it among the errors, if they had accounted it for any great errour, or to haue cleane altered the sense of the proposition, as this man would make it; but that it should be an error of the *Translator* I can hardly be perswaded. And my reason is, because it seemeth, that there was but one onely translation of the Oath out of English, which is extant in publike writings, from which all those writers, who haue set downe the oath in Latin, haue taken it, as first the *Pope* in his *Breue*, then Card. *Bellarmino*, *Fa. Gretzer*, *Capellus*, and now lastly *Suarez*. For that in none of all these Writers the translation of the Oath is in any point different, either so much as in any one word, or the placing of a word, except in those words [*deposed or murdered*] which is morally impossible; if there had bene diuers translations. Now in the *Popes Breue*, and likewise in *Gretzer*, and in one Edition of Card. *Bellarmines* booke against his *Majesties Apologie*, we read [*deposed or murdered*] but in other Editions of the same booke, in *Capellus*, and now lastly in *Suarez*, we read [*deposed and murdered*] which is a signe, that it was an error rather of the *Printer*, then of the *Translator*, & also that the error was not great, & much regarded by them, for that the sense of the proposition is all one whether wee read [*deposed or murdered*] or [*deposed and murdered*] it being a *conditionall disjunctive* proposition, implying a free choise to take both parts of the *disjunction*, which therefore for as much as concerneth the truth or falshood of the proposition, hath the same sense, whether the coniunction copulative [*and*] or the disjunctive [*or*] be vsed, as I haue shewed before.

54. But now forsooth M. Fitzherbert will cleare all this difficulty, and make it manifest out of my owne grounds, that the doctrine of the deposition of Princes, is abiured in the Oath as *impious* and *hereticall*, no lesse then the doctrine of *murthering* them; for hitherto he hath so cleared the difficulty, as you haue seene, that I could not haue desired more cleare and fit examples of propositions, to confirme my interpretation of those words [*deposed or murthered*] then which he himselfe hath brought to impugne it. Thus therefore he writeth,

¶ Nu. 14. 15
¶ 6.

55. But to cleare all this difficulty, and to make it manifest, that the doctrine of the deposition of Princes is abiured in the Oath as *impious* and *hereticall*, no lesse then the supposed doctrine of *murthering* them, I shall need no other testimony or prooff thereof, then such as may be taken from the Oath it selfe, considered euen according to those rules, which Widdington himselfe hath laid downe for the interpretation of it in the very first chapter of his Theological disputation, where he professeth to approue, & follow the doctrine of Suarez in that point, as being conforme to the common opinion of Lawyers and Divines. Now then he teacheth there out of Suarez, that if there be any doubt or question concerning the sense of a law, or any part thereof, three things are specially to be pondered for the explication of it, to wit, the words of the Law, the minde or intention of the Law-maker, and the reason or end of the Law; and the same he saith are also to be considered for the clearing of any difficulty or doubt in the Oath.

¶ Nu. 7.
¶ Lib. 6. de
leg. cap. 1.

56. As for the words of the Law (and consequently of the Oath) he saith, that they are to be understood according to their proper, and vsuall signification; and the reason is, saith Suarez, because words are so to be used in common speech, and much more in Lawes, which ought to be cleare; but it is euident, that the words of the clause now in question, being taken in their vsuall and proper signification

signification, doe make clearely for vs, wherein I dare boldly appeale to the iudgement of any discreet Reader; for albeit such a sense, as Widdrington imagineth, may be picked or rather wringed out of those words, yet no man at the first sight will, or can reasonably conceiue any thing else thereby, but that either part of the disiunctiue clause is abjured alike.

57. For although the coniunction [or] is sometimes taken for a copulatiue, yet it is commonly a disiunctiue, and hath that signification diuers times euen in this oath; as any man may see, that list to obserue it: As for example (to omit all the rest which might be urged to this purpose) the very next words before deposed or murdered, are excommunicated or deprived, wherein it is cleare, that [or] hath the ordinarie and proper signification of a disiunctiue, giuing to vnderstand, that whether Princes be onely excommunicated, or deprived also of their right to their State by the Pope, it is impious and hereticall doctrine to teach, that they may be either deposed or murdered. Also the same is to be noted in the words immediately following, to wit, by their Subiects or any other, wherein it is signified, that neither Subiects, nor yet any other may depose or murder Princes excommunicated or deprived by the Pope: and the like may bee exemplified in the other clauses of the Oath, at least thirty times, for so often I doe find the coniunction [or] therein, and alwaies vsed properly for a disiunctiue, as also I dare say it is vsed in like maner, and in the same sense, aboue a hundred times in the same Statute. Thus M. Fitzherbert.

58 Now you shall see how well he hath cleared this difficulty. His Argument if it bee reduced to a syllogisticall forme is this. The words of euery law (and consequently of this Oath) are according to Suarez, whose doctrine I approue beerein, to bee taken in their proper and vsuall signification, but those words, [deposed or murdered, &c.] according to their proper and vsuall signification doe signifie, that the supposed Doctrine of murdering

ring Princes, and of depofing them, is abjured alike, therefore in the aforefaid claufe, I abhorre, detest and abiure, &c. the doctrine of depofing, and of murdering Princes which bee excommunicated, &c. are both abjured as hereticall. The Minor hee proueth two wayes, firft by appealing to the iudgement of euery difcreet man, who at the firft fight can reasonably conceiue nothing elfe, but that either part of that difiunctiue claufe is abjured alike. Secondly for that although the Coniunction [or] bee fometimes taken for a copulatiue, yet it is commonly a difiunctiue, and hath the ordinary and proper fignification of a difiunctiue, and in this oath, wherein it is found at leaft thirty times, and in the fame ftature aboute a hundred times, it is alwaies vfed properly for a difiunctiue coniunction.

59 But firft obferue, good Reader, thofe words of my Aduerfary, [*the fupposed doctrine of murdering Princes:*] For a little beneath^u hee affirmeth, *that murder implyeth alwaies an vnlawfull act, yea and a mortall finne*, whereby hee doth feeme to infinuate, that the Oath fpeaketh onely of murder in this fenfe, and fuppofeth that fome Catholikes doe teach, that it is lawfull to murder Princes, as murder implyeth an vnlawfull act, whereas no Catholike can bee fo ignorant as to imagine, much leffe to teach, that it is lawfull to doe an vnlawfull act, or to commit a mortall finne, feeing that God himfelfe cannot giue authority to murder any man, as murder implyeth an vnlawfull act, or a mortall finne. Neither did his Maiefty, and the Parliament take murder only in this fenfe; but by the word [*murdered*] they vnderftood, that all killing of Princes excommunicated or depriued by the Pope, was directly and abfolutely an vnlawfull act, and they did fuppofe, that fome Catholikes taught this doctrine, that the Pope, in order to spirituall good, might giue leaue to take away the liues of wicked and hereticall Princes by all thofe waies either publike, or fecret and vnawares, by which temporall

temporall Princes, in order to temporall good, have authority to take away the liues of rebellious subiects, who either cannot at all, or at least cannot without great preiudice to the publike good of the State, bee publicly apprehended or condemned.

60 And I would to God that this doctrine, were onely a *supposed doctrine*, and had neuer beene taught or approued by any Catholike. But alas it cleerely followeth from the doctrine and grounds for the Popes power to depriue Princes of all their temporall right and authority, as I most evidently did demonstrate in my *Apologie* ^x, to which my Argument D. *Schulckenius* ^y onely answereth with a *transcat*, or let it passe as impertinent to the matter; and the same is sufficiently confirmed by the same D. *Schulckenius* ^z in other places, of his booke, and before him by *Gregorius de Valentia* ^a, *Schioppius* ^b, and now lately by *Suarez* ^c, for which cause principally his booke was by a sollemne decree of the Parliament publicly condemned and burnt at Paris by the hangman, as containing damnable, pernicious, scandalous and seditious propositions, tending to the subuersion of States, and to induce the subjects of Kings and Soueraigne Princes, and others, to attempt against their sacred persons; neither is that Decree which was published and printed by the Kings authority, as yet recalled, or *Suarez* booke permitted by authority to be sold at Paris, howsoever some fauourers of the Iesuits doe not sticke to affirme heere among the common people. Yea and M. *Fitzherbert* himselfe, although hee will not (forsooth) meddle with the liues of Princes, yet boldly affirmeth, ^d that the Pope hath power to take away my life, and hath power over the goods and liues of all Christians, which wordes beeing generall, and including all Christians, and consequently Christian Princes, according to his doctrine, as you shall see beneath, ^e doe cleerely shew what his opinion and iudgement is in this poynt, touching the killing
also

^x nu. 43. & seq.

^y Pag. 144. *answer* (saith hee) that some wordes are needesse, for whither all these doe tend euery man seeth, neither is it hard to solue the Arguments, let them passe as not making to the matter.

^z Pag. 413. 450.

^a *Secunda secundae* [Disp. 1. q. 12. punc. 2. assertio secunda] ^b In his *Ecclesiasticus* cap. 42. pag. 140.

^c In defens. fidei lib. 6. cap. 4. nu. 18. 10.

^d Cap. 1. nu. 15. 16. 17.

^e Part. 3. cap. 9. 10.

also, or murdering of Christian Princes.

61. Now to his argument. First therefore his *Maior* proposition I doe willingly grant, to wit, that if there be any doubt or question concerning the sense of any law, or any part thereof, (and consequently for the clearing of any difficulty, or doubt in this oath) three things are specially to be pondered for the exposition of it, *the words of the law, the mind or intention of the law-maker, and the reason or end of the law*; and that the words of the law, and consequently of this oath, are to be vnderstood in their *proper and vsuall signification*, as also by a peculiar clause it is expressly ordained therein; And of this his *Maior* proposition no man maketh doubt.

62. But his *Minor* proposition I vtterly deny: and to his first prooff thereof, I answer as easily, but more fully with the like words, which hee himselve vseth. For I affirme, that the contrary is euident, and that the words of this clause now in question do make clearly for vs, wherein I dare boldly appeale to the iudgement of any learned and discreet Reader, for that no man of any learning or iudgement, who knoweth the difference betwixt an *absolute* and *conditionall disiunctiue* proposition, which implieth a free choice to take either part of the disiunction, I doe not say, *at the first sight*, but after mature deliberation, and a diligent examination of all the words of this clause, and of the natures of an *absolute* and *conditionall disiunctiue* proposition, will, or can reasonably conceiue, that in a *conditionall disiunctiue* proposition, which implyeth a freedome to choose which part of the *disiunction* one will, as is the proposition which is now in question, both parts of the *disiunction* must be abiured alike, for that to make the whole *conditionall disiunctiue* proposition to be *hereticall*, or to be abiured as *hereticall*, it sufficeth that one onely part of the *disiunction* be *hereticall*: as I may truly and lawfully abiure this proposition as *hereticall*,

God may be honoured or blasphemed by his creatures, or, which is all one, it is in the free choice of creatures, to honour or to blaspheme God, wherein one onely part of the *disiunction* is hereticall, and the other of faith, and so both parts of the *disiunction* are not abiured as hereticall, although the whole, and entire proposition be hereticall, and may therefore be truly abiured as hereticall.

63. What any learned man, but especially the vulgar sort of Catholikes (considering the different grounds of *Catholiks*, and *Protestants* in points of Religion, and that the oath was made by a *Protestant Parliament*, and that the title of the *Act*, wherein the taking thereof is commanded, is for the better discovering and repressing of Popish Recusants, and such like reasons) may at the first sight conceiue of the lawfulness thereof, as also what they may at the first sight conceiue of the sense of this clause, which is now in question (considering that the coniunction *disiunctiue* [or] doth more vsually make an *absolute disiunctiue*, then a *conditionall disiunctiue* proposition, for that where once it followeth the verbe [may] and consequently maketh a *conditionall disiunctiue* proposition, which is equivalent to a *copulatiue*, about a hundred times at least it doth not follow the verbe [may] but maketh an *absolute disiunctiue* proposition, and withall not examining the difference betwixt an *absolute* and a *conditionall disiunctiue* proposition) may, I say, at the first sight conceiue of the sense and meaning of this clause of the Oath, is no sufficient Argument to proue that this clause or any other of the Oath, is, according to the true, proper, and vsuall vnderstanding of the wordes in very deed vnlawfull. For many things may seeme to bee so at the first sight, which after a second reuiew, and a more diligent examination of the matter do seeme to be far otherwise.

64 My Aduersary following therein Card, Bellarmine,

Gretzer, Lessius & Suarez, did at the first sight conceiue, that the Popes power to excommunicate the King was denied in this Oath, but at the second sight, and vpon better consideration, hee hath, as it seemes, perceiued his error and ouer sight, for that being charged therewith by me, hee hath passed it ouer altogether with silence. Many also of our English Catholikes did at the first sight conceiue, that the Popes power to absolve from sinnes, to grant Pardons and indulgences, and to dispense in oathes, was denied in this oath, taking some colour or pretence from those words, *absolve, pardons and dispensations*, but after the second sight they saw that there was no such thing, as at the first sight they conceiued. Many such like exceptions I could alleadge, which at the first sight some conceiued against the Oath, which vpon the second review, and after a more diligent consideration appeared to haue no firme ground to rely vpon.

¹ Cap. 4. sec. 3

65 But if any learned or discreet Catholick man will make a second review, and a more diligent examination of the Oath, and of all the clausies and wordes contained therein, and wil also duly consider (which I obserued in my *Theologicall disputation*^f) the difference betwixt the opinion, and the intention of his *Maiesty*, and that although his *Maiesty*, and the *Parliament* be of opinion, that the Pope hath no power to excommunicate his *Maiesty*, yet they did not intend to binde Catholiks to acknowledge so much in this Oath, and that although the title of that Act, wherein many lawes were enacted against Catholiques touching points of Religion, for the which it might well be called an Act for the better discovering and repressing of Popish Recusants, euen for points of Religion, yet the *Preamble* or *Title* to the particular Act, wherein the Oath is established, is, to make a better triall how his *Maiesties* Subjects stand affected towards his *Maiestie* concerning points of their loyalty, and due

due obedience: And that his *Maiesty* and the *Parliament* did also publicly declare, that they onely intended to exact of *Catholiques* by this oath a profession of that temporall allegiance, and ciuill obedience, which all *Subiects* doe by the Law of God and nature owe to their temporall Prince: And to make a distinction, not betwixt *Catholiques*, and *Protestants*, touching points of Religion, but betwixt *Catholiques* & *Catholiques* touching points of opinion; and betwixt *ciuilly obedient Catholiques* and of *quiet disposition*, and in all other things good *Subiects*, and such other *Catholiques*, as in their hearts maintained the like bloody maxims, that the *Powder Traitors* did: And that therefore the particular Act concerning the Oath it selfe, might very well haue beene intituled, although it was not, *An Act for the better discovering and repressing of Popish Recusants*, not in generall, but of such, as were carried away with the like fanaticall zeale, and bloody maxims that the powder Traitors were. If any man, I say, will duely consider these things, and the other obiections and answers, which I propounded in my *Theologicall disputation*, and in my *Appendix to Suarez*, I dare boldly appeale to his iudgment herein, for that no man will, or can reasonably (the premises considered) conceiue any forcible or conuincing reason, for which English *Catholiques* are bound in conscience to refuse the Oath.

66 And as for this clause which is now in question, it is euident (the difference betwixt an *absolute disjunctive*, and a *conditionall disjunctive* proposition being duely considered) that the words being taken in their proper and vsuall signification, doe make clearly for me, wherein I dare boldly appeale to the iudgment of any discreet Reader. For albeit such a sense as this man imagineth, may be conceiued at the first sight, for the reason aforesaid, yet no man after due consideration, and who obserueth the difference betwixt an *absolute*, and a *conditionall disjunctive* propo-

tion, and perceiueth, that to make a *conditionall disjunctive* proposition, which followeth the nature of a *copulative*, to be *hereticall*, and to be abiured as *hereticall*, it is sufficient that one onely part thereof be *hereticall*, and that therefore both parts of the *disjunction* are not of necessity to be abiured alike, will or can reasonably conceiue, that both parts of that *conditionall disjunctive* clause [*may be deposed or murthered*] are by vertue of the *disjunctive* coniunction [*or*] to be abiured alike.

57 To the second prooffe of his *Minor* proposition I answere, that he contendeth, to vse his owne words, *de lana caprina*, and laboureth in vaine to prooue that, which I doe not deny. For I make no question, but that [*or*] in this clause of the Oath [*deposed or murthered*] is a *disjunctive coniunction*, and hath the ordinary and proper signification of a *disjunctive coniunction*, But that which I affirme is, that although in this clause of the oath it be truely and properly a *disjunctive coniunction*, yet because it immediately followeth the verbe [*may*] it maketh such a *disjunctive proposition*, which implyeth a free choice to take either part of the *disjunction*, and which consequently being not an *absolute*, but a *conditionall disjunctive* proposition, is *equivalent* to a *copulative*, and not to an *ordinary*, or *absolute disjunctive* proposition.

68 And although the coniunction *disjunctive* [*or*] doth also more commonly, as I obserued before, make an *absolute disjunctive*, then a *conditionall disjunctive* proposition, for that where you shall finde it once to follow the verbe [*may*] and so to make a *conditionall disjunctive* proposition, you shall finde it aboue a hundred times not to follow the verbe [*may*] and so not to make a *conditionall*, but an *absolute disjunctive* proposition, and in this very Oath, where the coniunction [*or*] is found to be taken affirmatiuely about fixteene times, and not to follow the verbe [*may*] (for almost in

all other places of the oath it is taken negatiuely, and is all one with [*nor*] or [*neither*] yet once onely or twice at the most it followeth the verbe [*may*] and maketh a *conditionall* disiunctiue proposition: Neuerthelesse this I say is certaine and not to be called in question, that *whensoever* the coniunction disiunctiue [*or*] doth make a conditionall disiunctiue proposition, which implyeth a free choise to take which part of the disiunction we please, as it doth in this clause of the oath, neither doth my *Aduersarie* deny, but rather as you haue seene, supposeth the same, it is *equivalent* to a *copulative* proposition, and followeth the nature of a *copulative*, to the verity whereof, according to the approved rule of the Logicians, it is required that both parts be true, and to make the whole proposition to be false and *hereticall*, it sufficeth that one onely part be false and *hereticall*, which contrariwise falleth out in an *absolute*, or *ordinarie disiunctiue* proposition.

69. Vnlesse therefore my *Aduersary* can proue, either that the coniunction [*or*] when it immediatly followeth the verbe [*may*] doth not commonly and usually make a *conditionall disiunctiue* proposition, implying a free choise to take which part of the disiunction one please, which hitherto he hath not proued, but rather supposed both by those foure examples of propositions, and also in this clause of the oath, as you haue seene, that the coniunction [*or*] implyeth such a choise, or else that a *conditionall disiunctiue* proposition which implieth such a choise, doth not *alwaies* follow the nature and condition of a *copulative* proposition, for as much as concerneth the truth or falshood thereof, which he will neuer be able to proue, for that a *conditionall disiunctiue* proposition, implyeth a free choise to take, if we please, both parts of the *disiunction*, and euery Logician knoweth, that the word [*utroque, both*] supposeth *distributively*, and is resolved by the coniunction *copulative*, as, *to take both*, signifi-

eth to take *this* and *that*, and not onely *this* or *that*; it is evident that he saith nothing to the purpose, neither doth he impugne my answer, but fighteth in vaine with his owne shadow.

70. Wherefore M. Fitzherbert perceiuing at last, that this second prooffe of his *Minor* proposition was little to the purpose, and did not confute my answer concerning the *conditionall disjunctiue* proposition, he would now seeme to say something to the purpose, (but in very deed saith nothing as you shall see) and to cleane ouerthrowe that *distinction*, which before he called a *frivolous evasion*, and an *extranagant interpretation*, and now he calleth it a *shift*, which neuerthelesse by his former discourse, and examples of propositions, as you haue seene, and now againe he doth clearly confirme. For thus he writeth. *¶ And if* Widdrington doth *stye* here to his former *shift*, and say, that in the other clauses [*or*] is an *absolute disjunctiue*, and that in the words [*deposed or murthered*] it is a *conditionall*, because the verbe [*may*] going before it, doth denote or signifie a free election to choosce either part, he is to understand, that the same may also be said of other clauses in the Oath, wherein neuerthelesse it is manifest. that [*or*] is a *pure disjunctiue*, and that whatsoever is affirmed of one part of the disjunctiue, is also affirmed of the other: As for example &c.

71. But obserue good Reader, first how this man still harpeth vpon the same string, to make thee belieue that I affirme the coniunction *disjunctiue* [*or*] in the words [*may be deposed or murthered*] not to be a *pure*, or *absolute*, but a *conditionall disjunctiue coniunction*, whereas I doe make no such distinction of an *absolute*, and *conditionall disjunctiue coniunction*, but onely of an *absolute*, and *conditionall disjunctiue proposition*. For that which I affirme is, that although the coniunction [*or*] in those words [*may be deposed or murthered*] be a *pure*, *true*, and if we may call it so, an *absolute disjunctiue coniunction*

coniunction, yet in them, and *whensoeuer* elle it immediately followeth the verbe [*may*] it maketh, as I haue often said, according to the common and vsuall signification of our English phrase, such a *disiunctiue proposition*, which implyeth a free choise to take both parts, or either part of the disiunction if we please, for which cause I call it a *conditionall disiunctiue proposition*, which in very deede, for as much as concerneth the truth or falshood of the proposition, followeth the nature of a *copulatiue* proposition, and not of the *common disiunctiue* proposition, whereof the Logicians treat, which therefore I call an *absolute disiunctiue* proposition, for that it implyeth no such freedome of election, or condition of the will, to choise, if we please, either part of the disiunction: the nature and condition of which *absolute*, or *common disiunctiue* proposition, is such, that to the truth thereof, according to the receiued doctrine of the Logicians, it is sufficient, that one onely part of the *disiunction* be true, although the other be most false and *hereticall*, and to make such an *absolute disiunctiue* proposition to be false and *hereticall*, it is necessarie that both parts be false and *hereticall*: As for example, this *disiunctiue* proposition, *God is iust, or vniust*, is a most true and certaine proposition, although the former part of the *disiunction* only be true, and of faith, and the second part be false and *hereticall*.

72 But contrarywise it hapneth in a *copulatiue* proposition, for to make it true, both parts must be true, but to make it false and *hereticall*, it sufficeth that one onely part be false and *hereticall*; and therefore this proposition, *God is iust, and vniust*, is a most false and *hereticall* proposition, although the former part of the proposition be most true, and of faith. And if perchance both parts of the *copulatiue* proposition be false and *hereticall*, as in this, *God is vniust, and vnmereifull*, this is not by reason of the *forme*, or by *vertue* of the *coniunction*, vniting both parts in one entire proposition

on, but by reason onely of the *matter*, for that both parts of the proposition being taken *seuerally* by themselves in two *entyre* propositions are false and *hereticall*, as this proposition being taken it by it selfe, *God is vniust*, is an *hereticall* proposition, and so likewise is this, *God is vnmmercifull*.

73 Now, as I haue often said, a *conditionall disiunctiue* proposition, which implyeth a free choice to take both parts of the disiunction, if wee please, although it be a true *disiunctiue* proposition, by reason of the *disiunctiue* coniunction [*or*] yet, for as much as concerneth the truth or falshood of the proposition, it followeth the nature & quality of a *copulative*, and not of a *common disiunctiue* proposition, for which reason, I affirmed that although it was a *disiunctiue* proposition, yet by reason of the choice, freedome, or indifferency to take either part of the *disiunction*, it was *equivalent* to a *copulative* proposition. And therefore this proposition, *God may be iust or vniust*, speaking of external iustice, or iniustice, or which is all one, it is in the power of God, or God hath free power to doe externall acts of iustice or iniustice, is a most false and *hereticall* proposition, although the former part of the *disiunction* bee true. And if perchance it happen that both parts of the *disiunction* be false and *hereticall*, as in this, *God may be vniust or vnmmercifull*, this is not by vertue of the *forme*, and by force of the *disiunctiue coniunction* implying an indifferency to both parts of the *disiunction*, but by vertue of the *matter*, for that both parts of the *disiunction* beeing taken *seuerally* by themselves in two *entyre* propositions, are false and *hereticall*. So that you may see a manifest difference betwixt an *absolute*, and *conditionall disiunctiue* proposition, and betwixt these two *disiunctiue* propositions, *God doth workes of iustice or iniustice*, and *God may doe workes of iustice or iniustice*: for the first is true, and the second false, the first is an *absolute disiunctiue*, and the second a *conditionall*, and followeth

followeth the nature and condition of a *copulative*, and not of a pure or common *disiunctive* proposition.

74 Secondly obserue how vnlearnedly M. Fitzbert doth insinuate, that in a *pure disiunctive* proposition *whatsoever is affirmed of the one part of the disiunction is also affirmed of the other*. For if hee had but any small skill in Logicke, he would quickly haue perceiued how grossely he is mistaken, and that according to the common and approued rule of the Logicians, the most true and necessary *disiunctive* proposition is, when the one part of the *disiunction* is contradictory to the other, as this proposition, *God is iust, or not iust*, is a most true and necessary proposition, and yet the first part of the *disiunction* is of faith, and the second *hereticall*. And if perchance hee doe say, that hee meant onely of such *disiunctive* propositions, in which both parts of the *disiunction* are false, and consequently the whole *disiunctive* proposition is false, this also is manifestly vntrue.

75 For although to make a *pure, absolute, and ordinary disiunctive* proposition to be false, it is necessary, that both parts of the *disiunction* bee false, yet it is not necessary, that both parts bee false in the same degree, or with the same kind of *falsehood*; as in these examples, *either God is vniust, or Card. Bellarmine is vnlearned*, both parts of the *disiunction* are false, and yet the first is *hereticall and impossible*, the second not *hereticall*, nor *impossible*, but *contingent*: *either London is not, or Hierusalem was not*, both be false, yet the first is onely repugnant to humane truth, and the second also to diuine. Likewise *either S. Peter was not head of the Apostles, or hee was a direct temporall King of the whole Christian world*, both are false, but not in the same degree of *falsehood*. So that in these, and infinite others which might bee alleadged, it is not true, that *whatsoever is affirmed of the one part of the disiunction, is also affirmed of the other*. And therefore no meruaile, that

in *conditionall disjunctive* propositions, which follow the nature of *copulatives*, and not of *pure*, or *absolute disjunctive* propositions, whatsoever is affirmed of the one part, is not by vertue of the *coniunction* affirmed of the other; I say *by vertue of the coniunction*, for that both in *absolute*, and also in *conditionall disjunctives*, as likewise in *copulative* propositions, it may fall out, that by reason of the *matter* or of the *thing affirmed or denied*, the same falshood which is affirmed of the one part, is affirmed also of the other: but this is not, to vse the Logicians phrase, *vi forma*, or *vi coniunctionis*, *by vertue of the forme*, or *by force of the coniunction*, but *vi materia*, *by reason or vertue of the matter*, as I declared before. So that you see the more M. Fitzherbert meddleth with these *Dialecticall* questions, which are cleane out of the spheare of his knowledge, the more hee discouereth his vnskilfulnes.

76 But yet hee will still goe on to bewray his ignorance, and want of Logike. For marke how vnlearnedly hee goeth about to proue, that what I said of that clause of the Oath, [*deposed or murdered*] to wit, *that it is a conditionall disjunctive* proposition, and did signifie a free election to take either part of the *disiunction*, may also bee said of other clauses of the Oath, wherein neuertheless it is manifest, that [*or*] is a *pure disjunctive*, and that whatsoever is affirmed of the one part of the *disiunction*, is also affirmed of the other: As for example, the Oath bindeth the takers thereof to sweare, that the Pope hath no power or authority to depose the King, which is as much in effect, as that the Pope may not lawfully doe it: Therefore let vs make the proposition so, and lay it downe with the other *disjunctive* clauses, which follow immediately; and to make the whole like to that clause that is now in question, let vs conceiue it thus.

^h nu. 18.

77. I abiure ^h this doctrine as false, that the Pope may depose the King, or dispose of any his *Majesties* kingdomes, or dominions; Or authorize any forraigne Prince

Prince to inuade, or annoy him; Or discharge any of his subjects of their allegiance to his *Maiestie*; Or giuelicence to any of them to beare armes, raise tumults, or to offer any violence to his *Maiesties* Royall person, &c.

98. Here now it cannot be denied that [or] is disjunctiue in all these seuerall sentences in such sort, that which of them soener any man doth teach, hee teacheth (according to the intent of this oath) a false doctrine, notwithstanding that the word [may] goeth before [or] and implieth a free election to choose any one of them; in so much that if a man should say onely, that the Pope may authorize a forraigne Prince to inuade his *Maiestie*, he is condemned by the oath, to speake no lesse vnruefully, then if hee should say, that the Pope may depose his *Maiestie*; or giue licence to any to offer violence to his person.

^l Nu. 19.

79. Therefore if Widdrington apply the words [impious and hereticall] in the other clause to the doctrine of murthering onely, and not also to the doctrine of deposing Princes, why may not he, or any man else doe the like in the foresaid example, and offirme, that the last member, and part thereof (which denieth the Popes power to giue licence to offer violence to his *Maiesties* person) is onely abjured as false, whereby the former parts, or clauses concerning the Popes power to depose his *Maiestie*, or, to dispose of his kingdomes, or to giue licence to forraigne Princes to inuade, or annoy him (which are principall points of the oath) would be superfluous, and to no purpose. So as it is manifest, that the words of the oath [deposed, or murthered] being considered according to their proper, and usuall signification in the clause where they are, and compared also with the other clauses, parts, and circumstances of the oath, cannot admit Widdringtons interpretation, who applieth the note of heresie to the Murther, and not also to the deposition of Princes. Thus much concerning the words of the law, or oath.

^k Nu 20.

80. Behold now, how vnlearnedly Mr. Fitzherbert (and yet his ignorance is the lesse excusable, for that

he might haue seene the weakenesse of his argument in my *Theologicall Disputation*, where the *Author* of the aforesaid *English Dialogue* obiecteth the like argument, but in a contrary manner) argueth from the truth of a *conditionall disiunctive* proposition, which is *negative de dicto*, to the falshood of a *conditionall disiunctive*, which is *affirmative de modo*, and frameth an oath of his owne inuention far different in sense from the oath prescribed by his Maiestie, which neuertheless hee pretendeth to haue the same sense and signification with his new deuised oath. For the oath prescribed by his Maiesty is a *negative proposition de dicto*, to wit, *that the Pope hath not any power or authoritie to depose the King, or to dispose of any his Maiesties Kingdomes or Dominions, or to authorize any forraine Prince to inuade or annoy him, or to discharge any of his Subjects of their allegiance and obedience to his Maiestie, or to giue licence to any of them to beare armes, raise tumults, or to offer any violenceto his Maiesties Royall person, &c.* And all this I must acknowledge to be true, and therefore I called this whole proposition, *negative de dicto*, and *affirmative de modo*. And the sense of this oath is cleere, to wit, that the *Pope* hath not any lawfull power to doe any one of these things, so that if the *Pope* hath power to doe any one of them, the whole, and entire *disiunctive* proposition consisting of those particular clauses is by vertue of the forme of words, and of the *coniunction* *disiunctive* [*or*] or rather [*nor*] not true, but false. I say by vertue of the forme of words, for that the negation [*not*] going before, and hauing a power to *distribute*, to vse the Logicians phrase, or to deny all that followeth it, maketh all those *disiunctive* *coniunctions* [*or*] which follow, to be equiualent to [*nor*] or [*neither*], which, as I say, being a *distributive* signe, is to be resolued, as euery Logician knoweth, by the *coniunction copulative* [*and*] and not by the *disiunctive* [*or*] for which cause some *Grammarians* doe al-

so should, that the conjunction [*nor*] or [*neither*] is not a *disjunctive*, but a *copulative* conjunction.

81. But the oath, which Mr. *Fitzherbert* hath framed, is a proposition *negative de modo*, and *affirmative de dicto*, to wit, that the Pope may, or, which according to his owne exposition, is all one, that it is in the Popes free and lawfull power to depose the King, or to dispose any of his Maiesties Kingdomes, or dominions, or to authorize any forraine Prince to invade or annoy him; or to discharge any of his subjects of their allegiance and obedience to his Maiestie; or to give licence to any of them to beare armes, raise tumults, or to offer any violence to his Maiesties Royall person, &c. and this whole, or entire *disjunctive* proposition consisting of all these particular branches M. *Fitzherbert* will haue to be abiured as false. Now hee that hath but any small skill in Logicke may easily perceiue a great difference betwixt the sense and meaning of these two oaths, or propositions. For in the oath prescribed by his Maiestie wee may by vertue of the words, and from the force and signification of the *disjunctive* conjunction [*or*] which, as I haue shewed before, is by reason of the precedent negation [*nor*] equiualent to [*nor*] necessarily inferre, that the Pope hath neither power to depose the King, nor to dispose of any his Maiesties Kingdomes or Dominions, nor to doe any other of those things there mentioned; and therefore he that granteth, that the Pope hath power to doe any one of those things there mentioned, must consequently graunt, that the whole, or entire oath, or proposition consisting of all those particular clauses is false.

82. But in the oath inuented by my *Aduersary*, although indeed by vertue of the matter, we may well conclude, that the Pope hath neither power to depose the King, nor to dispose of any his Maiesties kingdomes or dominions, nor to doe any other of those things there mentioned, for that all and euery one of those things which are denied to the Pope in that totall

oath, or proposition, may also be denied to him in *seuerall* oaths, or propositions, yet by *vertue* of the words, and from the *force* and signification of the *disiunctive* coniunction [*or*] which, as M. Fitzherbert himselfe doth grant, maketh there a *conditionall disiunctive* proposition, implying a free choise to take which part of the *disiunction* we please, we cannot rightly conclude, that the Pope hath *neither* power to depose the King, nor to dispose of any his *Majesties* kingdomes or dominions &c.

83 For what man can be so ignorant, as to imagine, that these two propositions make the same sense, or that the first doth rightly inferre the second. *It is false, that it is in my free and lawfull power to doe this or that, therefore it is true, that I may lawfully neither doe this nor that.* My *Adversary* cannot deny, but that it is false, that he had lawfull freedome to deale sincerely, or corruptly in this his Reply, therefore by his owne manner of arguing he must grant, that it is true, that he had lawfull freedome neither to deale sincerely nor corruptly in his Reply. Likewise he cannot deny, but that it is false, that it is in the free and lawfull power of creatures to honour or blaspheme God, of Priests to eate or sleepe before they say Masse, of Souldiers to fight or fly when their Country is invaded by the enemy, and (to exemplifie in our owne matter) of the Pope to depose or murther Princes, *as murther is taken for an unlawfull Act*: Will he therefore inferre from thence in that manner as he argueth here, that it is therefore true, that creatures may lawfully neither honour nor blaspheme God, that Priests may lawfully neither eate nor sleepe before they say Masse, that Soldiers may lawfully neither fight nor flye, when their Country is invaded, and that the Pope may lawfully neither depose Princes nor murther them, *as murther is taken for an unlawful act*? Wherefore if my *Adversary* will but keepe still the same forme, and the same *disiunctive*

disiunctiue coniunction [*or*] and alter but a little the *matter*, by adding onely to the end of the affirmatiue oath, framed by himselfe, this clause, [*or to murder his Maiesty*] he will quickly perceiue his error, and he will not deny, but that the oath with that addition is very false; and neuerthelesse he dare not from thence conclude the truth of the *negative*, or that therefore it is true, that the Pope hath not any power neither to depose the King, nor to dispose &c. for that he granteth, that the Pope hath lawfull power to depose the King, and to dispose &c. onely he denyeth, that the Pope hath power to *murder him*, as *murder is taken for an unlawfull act*.

84. But the causes of M. Fitzherberts error are manifest. *First*, for that he for want of Logike doth not, as it seemes, consider the difference betwixt the *forme*, and the *matter* of an *hypotheticall* proposition, and what is required to the truth or falshood of a *disiunctiue*, or *copulative* proposition, as well by *vertue of the forme*, as of the *matter*. For to make a *pure*, or *absolute disiunctiue* proposition to be true, it is sufficient, by *vertue of the forme*, that one part of the disiunction be true, but to make it false, both parts must be false. Contrariwise it falleth out in a *copulative* proposition, for to make it true, both parts of the copulation must be true, and to make it false, it sufficeth by *vertue of the forme*, or by *force of the copulative coniunction*, that one onely part be false, although by *reason of the matter* both parts also may be false, but this is impertinent to the forme. *Secondly*, he doth not consider, that a *conditionall disiunctiue* proposition, which implyeth a free choise to take which part of the *disiunction* we please, followeth the nature of a *copulative* and not of a *pure*, *common*, or *absolute disiunctiue* proposition. *Thirdly* he doth not consider, that whatsoeuer is taken, or to vse the Logicians phrase, *supposeth distributively*, as euery negation doth *distribute*, and deny whatsoeuer followeth

followeth that negation, is to be resolved by a *copulative*, and not by a *disiunctive* coniunction.

85. *Fourthly*, he doth not consider, that to make a *copulative* proposition, or such a *disiunctive*, which is *equivalent* to a *copulative* to be *hereticall*, it sufficeth that one onely part be *hereticall*. *Fifthly*, he doth not consider, that although to make a *pure, common, or absolute disiunctive* proposition to be *false*, it is necessary that both parts of the *disiunction* be *false*, yet it is not necessary that both parts be *false* in the same degree of *falsehood*, for that the one part may be impossible, the other not, the one part *hereticall*, and the other not, and that therefore the same kinde of *falsehood* which is affirmed of the one part, is not necessarily affirmed of the other. *Lastly*, he doth not consider, how vicious a kinde of arguing it is, from the *falsehood* of an affirmative *conditionall disiunctive* proposition to conclude the *truth* of a *negative*, whereby he would make his *affirmative* oath, inuented by himselfe, to haue the same sense with the *negative* oath prescribed by his *Maiesty*. And his ignorance herein is the lesse excusable, for that the insufficiencie of this his argument he might haue seene declared in my *Theologicall disputation*, where I clearely shewed, as you haue seene before, how vnsoundly the *Author* of that English *Dialogue* vrged the like argument, which my answer to that argument is also here altogether concealed by M. Fitzherbert. And therefore I will giue him this charitable aduise, that if he haue any care of his credit and reputation, he doe not hereafter so boldly aduenture to meddle with these questions belonging to Logike, except he haue the helpe and furtherance of some of his company more skilfull herein then himselfe, least that by granting one inconuenience, he fall, according to the ancient prouerbe, into a thousand absurdities.

86. By this it is euident *first*, that although the

Oath

Oath ordained by his *Maiesty*, and the Oath framed by M. *Fitzherbert* containe the same *disiunctive* clauses, and so they doe both agree in the *matter*, yet they differ greatly in the *forme*, and in the *sense* and vnderstanding of the *disiunctive* coniunction [*or*]. For in the Oath, prescribed by his *Maiestie*, that which by *vertue of the forme*, and by *force* of the coniunction [*or*] which in all those particular sentences is *equivalent* to [*nor*] I doe acknowledge to be true, is, *that the Pope hath not power to doe any one of all those things mentioned in those disiunctive clauses*, and that which I acknowledge to be false, is, *that the Pope hath power to doe any one of all those things, as either to depose the King or to dispose of his Dominions*, and so forth: And therefore although to those clauses were added also this clause [*or to murder his Maiesty*] yet my *Adversary* cannot affirme, that it would change at all the *truth*, or *falsehood* of the whole oath, or *entyre proposition*, but if the oath were true before, it would also be true now, and if it were false before, it would also be false now.

87 But if the oath, which M. *Fitzherbert* hath framed, that which by *vertue of the forme*, and by *force* of the coniunction [*or*] which as he himselfe confesseth, *implyeth a free election to chose any one of those severall sentences or clauses*, I acknowledge to be true, is, *that the Pope hath not power to doe all those things mentioned in those clauses, or, which is all one, to doe which of all those things he shall please*, and that which I acknowledge to be false, is, *that the Pope hath power to doe all those things mentioned in those clauses or which is all one, to doe which of all those things he shall please*. And therefore if to those clauses of M. *Fitzherberts* new devised oath, should be added also this clause [*or to murder his Maiesty*] he cannot denie, but that his oath, or *entyre disiunctive proposition*, which before in his opinion was false, is now by adding that clause made true, and

therefore that it is *false*, that the Pope hath power to murder his *Majesty*. The adding of which clause doth clearly shew the manifest difference betwixt the *forme* of these two oaths, and the different signification of the coniunction [*or*] in both of them, albeit in the *matter* of all the particular clauses, and propositions, they doe both agree.

88. *Secondly*, by this also it is easie to answer the demand, which M. Fitzherbert propoundeth, to wit, *wherefore the word* [hereticall] *in the doctrine and position of his Majesties oath, may be referred to the doctrine of murdering Princes, and not of deposing them, and the word* [false] *may not with the like reason in the oath or intire disiunctive proposition, which my Adversary hath framed, be referred to the last member, and part thereof, which denyeth the Popes power to offer violence to his Majesties person, and not to the former concerning the Popes power to depose his Majesty.* For if wee regard the *forme* of both propositions, and the *vertue*, or force of the disiunctive coniunction [*or*] which implyeth a free choise to take which part of the *disiunction* we please, and therefore to make the whole *disiunctive* proposition to be *false* and *hereticall*, it sufficeth, that one onely part thereof be *false* and *hereticall*, as they both agree in the *forme*, and in the sense of the *disiunctive* coniunction [*or*] as it is sufficient by *vertue of the forme*, to make that *affirmative* position, *Princes being excommunicated or deprived by the Pope may be deposed or murdered by their Subjects, or any other*, to be *hereticall*, so also to make this *affirmative* proposition, which my Adversary hath framed, *The Pope may, or which is all one, it is in the Popes free and lawfull power to depose the Kinges Majesty, or to offer violence to his Royall person*, to be *false*, it sufficeth, by *vertue of the forme*, and by force of the *disiunctive* coniunction [*or*] that one onely part of the *disiunction* be *false*: But the onely difference is in the *matter*. And there-

therefore if the doctrine of *deposing* Princes, be not so clearely and properly *hereticall*, as is the doctrine of *murdering* them, the word [*hereticall*] may with better reason be referred to the doctrine of *murdering*, then of *deposing*: But because the doctrine which teacheth, that the *Pope* may *depose* his *Maieſty*, as- also that he may offer violence to his *Royall person*, are *false*, (although perchance the latter be false in a more high and manifest degree of *falsehood*, then is the former) therefore the word [*false*] may, by *vertue of the matter*, but not by force of the *coniunction* disjunctive [*or*] in the oath, framed by my *Aduersary*, be referred to both.

89. I say, in the oath framed by my *Aduersary*, for as these two particular propositions are set downe in the oath ordained by his *Maieſtie*, both of them are, not onely, by *vertue of the matter*, but also by *reason of the forme*, and by force of the *coniunction* [*or*] which is *equivalent* to [*nor*] affirmed to be *false*, as I declared before. So that it is manifest, that these words of the oath [*may be deposed, or murdered*] being considered according to their proper and vsuall signification in the *conditionall disjunctive* clause where they are, and compared also with the other clauses, parts, and circumstances of the oath, may very well admit the interpretation, which I haue made; and the application of *heresie* (taking *heresie* in a strict sense) may be applyed onely to the *murder*, and not also to the *deposition* of Princes, although it may also in a *proper sense*, and wherein many learned Catholikes doe take the word *heresie*, be applyed to both, as I will shewe beneath. ¹ And thus much concerning the wordes of the law, and oath.

90 Now for his *Maieſties* meaning, or intention in that clause (which was the second rule assigned for the interpretation of the oath) the same, saith M. Fitzherbert, ^m according to the doctrine of Suarez, which

¹ Nu. 106. et
fig.

^m Nu. 12.

Widdrington apponeth, is to be gathered principally by the words, and which, as you have scene, being to be taken in their proper and common sense, doe shew, that his Maiesties meaning was no other, but to ordaine the abjuration of both parts of that clause alike, that is to say, as truly impious and hereticall.

91 But contrariwise I haue cleerely shewed before, that according to the proper and vsuall signification of the words, the common vnderstanding of men, and the receiued doctrine of the Logicians, to make a *copulative* proposition, or a *conditionall disjunctiue*, which followeth the nature of a *copulative*, to bee *hereticall*, it sufficeth that one onely part thereof bee *hereticall*. Seeing therefore that his *Maiesties* meaning onely was to bind his *Catholike* Subiects, to take this clause of the *Oath* in that sense, which the words according to their *true, proper, and vsuall signification* doe beare, and that according to the *true and common sense of the wordes*, it sufficeth to abiure this clause of the *Oath*, as *hereticall*, if one onely part thereof bee *hereticall*, it is manifest that his *Maiesties* meaning was not to ordaine that both parts of this clause should bee abiured alike, vnlesse from the *common sense and vnderstanding of the wordes* it can be rightly gathered, as I haue proued it cannot, that both parts must of necessity be abiured alike.

nu. 21.

92 But if it be wel considered, saith M. Fitzherbertⁿ, what reason Widdrington hath to condemne the aforesaid doctrine, as truly hereticall, in respect of one part of the clause (to wit, that part which concerneth violent attempts upon the persons of Princes) it will easily appeare, that his Maiefty pretendeth as much, if not more reason, to condemne it in like maner in regard of the other part, which concerneth the deposition of Princes. For whereas Widdrington hath no other reason for his conceipt, but because hee thinketh that all doctrine preiudiciall to the lines of Princes is repugnant to the holy Scriptures (whereby hee

con-

consequently holdeth it for hereticall) his Maieſty is perſwaded alſo that he hath the ſame reaſon to condemne the doctrine of the Popes power to depoſe Princes for hereticall, as it may evidently appeare by the manifold places, and texts of Scripture, which hee alledgeth for the prooſe of his owne Eccleſiaſticall Primacy, and the obligation of his Subjects to yeeld him ciuill obedience, whereon he groundeth the lawfullnes of the Oath, and the abiuration of the doctrine condemned therein.

93. And therefore omitting • to examine, how well the Scriptures alledged by his Maieſtie, ſerue for the prooſe of the matter in queſtion, as alſo to note, how impertinently Widdrington applyeth the precept, non Occides, to his purpoſe, by occaſion of the word murder in the oath (which precept being indeede vnderſtood of murder, and conſequently implying alwaies an unlawfull act, yea a mortall ſinne, was neuer held by any to be lawfull, and therefore doth not in that ſort and ſenſe belong to our queſtion, as Widdrington knoweth well enough) but omitting, I ſay, to ſpeake further of this, that which here I affirme is, that his Maieſtie alledgeth much more Scripture to condemne the doctrine touching the depoſition of Princes, then Widdrington doth for the condemnation of violent attempts againſt their perſons; Whereby it is manifeſt, that hee hath no reaſon to ſay, that his Maieſtie meant, that the latter part of that claſe ſhould be abiured, as hereticall, and not the former, eſpecially ſeeing that the expreſſe words of the oath, (according to their moſt vſuall, and proper ſignification) together with the circumſtances thereof, doe proue both alike, as it appeareth by the premiſſes. And this I hope may ſuffice for the confutation of his firſt, and beſt anſwere.

94. But firſt, as it appeareth alſo by the premiſſes, the expreſſe words of this claſe (according to their moſt vſuall, and proper ſignification) together with all other circumſtances, doe cleerely proue, that both parts of that diſiunctiue propoſition are not of neceſſi-

• Nu. 13.

tie to be abiured alike, for that to make a *conditionall disjunctive* proposition, as is the *doctrine*, and *position* *abiured* in this clause, to be *hereticall*, it is sufficient, that one part of the *disjunction* be *hereticall*, and that therefore both parts of the *disjunction* are not of necessity to bee abiured alike, as by the *forme* of my *Aduersaries* owne examples I haue euidently conuinc-
ced: and therefore his premisses doe no way proue his conclusion in this point.

94 *Secondly*, that his *Maiesty* had far greater reason to bee more vehement against the practise of *murthe- ring* Princes being excommunicated, or depriued by the *Pope*, then of *deposing*, or thrusting them out of the possession of their kingdoms, and to haue the former being the more *heinous*, *impious*, *damnable* and *detestable* crime, and more plainely and expressely forbidden in holy Scriptures, to bee abiured in a more high and eminent degree, then the latter; it is plainely conuinc-
ed by the great and manifest inequality of the crimes, by the irrecoverable, and not recompensable damage, which proceedeth from the *former*, and not from the *latter*, and yet the *former* being the more easily and suddainely to bee performed then the *latter*, (for that the *latter* cannot bee accomplished but by a mighty power, which also may faile, the euent of warre being vncertaine, but the *former* by the aduenturous bold-
nesse onely of one villaine may bee effected) together with the knowne practises of the late *murthers* of the most Christian Kings of France, and the execrable conspiracy of the *Pouder-Traytors*, which was the chiefe occasion of the ordaining of this Oath. And therefore his *Maiesty* hath neither *more reason*, nor as *much reason* to condemne that part of this clause, which concerneth the *deposing* of Princes being excommunicated, or depriued by the *Pope*, for *hereticall*, taking *hereticall* for that which importeth a plaine, manifest, and confessed *heresie*, or falshood cleerely repugnant

pugnant to holy Scriptures, as either he himselfe, or I, or any man else may haue to condemne that part for *hereticall*, which concerneth the *murdering* of such Princes.

95. But to reduce Mr. *Fitzherberts* whole discourse to a compendious forme of arguing; That, which hee chiefly laboureth to proue against me in this chapter, is, that this position, *Princes which be excommunicated or deprived by the Pope may be deposed or murdered by their Subiects or any other whatsoever*, is by the oath condemned for *hereticall*, in regard as well of the deposition of such Princes, as of the *murdering* of them. And this hee endeauoureth to proue by two waies: *first* by the common sense, and vnderstanding of the words, which doe signifie, saith hee, *that both parts are abiured alike*, to which purpose hee bringeth *four* examples of propositions, which, as you haue seene, make nothing for him, but are flat against him, and hee frameth an oath of his owne inuention, to paralell it with the oath ordained by his *Maiestie*, which neuerthelesse is far different from it in sense, as I haue shewed before.

96. *Secondly*, hee pretendeth to proue the same by his *Maiesties* meaning, or intention, which was, saith hee, *that both parts should be abiured as hereticall*. And this also hee pretendeth to prove by two waies. *First*, by the proper and common sense of the words, by which his *Maiesties* intention is principally to be gathered. But this prooffe is all one with the former, and therefore with the same facility it is denied, as it is affirmed; for that the proper and vsuall sense of the words doe not import, that both parts of the disunction are of necessity to be abiured alike, by reason of the *conditionall disjunction*, as I haue often repeated before. *Secondly*, hee would seeme to proue the same by this argument. *His Maiestie is perswaded, that the doctrine, not only which alloweth the practise of deposing Princes being excommunicated or deprived by the Pope, but also which speculatively maintaineth, that the Pope hath power to de-*

pose Princes, is hereticall, and repugnant to the holy Scriptures, as may evidently appeare by the manifold places, and texts of Scripture, which he alledgeth, &c. yea, and bee talledgeth much more Scripture, to condemne the doctrine touching the deposition of Princes, then Widdrington doth for violent attempts against their persons, therefore it is manifest that according to his Maiesties intention both parts of that clause should be abiured as hereticall.

97 But first, this consequence of my *Aduersary*: (*His Maiestie is perswaded, that not onely the doctrine which teacheth, that the Pope hath power to murder Princes, but also to depose them, is hereticall, therefore his Maiesties meaning, or intention was, that in the aforesaid clause of the oath, both parts should be abiured, as hereticall, taking hereticall in that strict sense, whereof I will speake beneath* P.) M. Fitzherbert might haue seene, if it had pleased him, in my *Theologicall dissertation* 9, to be very insufficient; where I did clearly shewe, that there is a great difference to be made betwixt his *Maiesties* perswasion or opinion, and his meaning or intention. For his *Maiesty* doth, according to the grounds of the *Protestant Religion*, defend diuers opinions, which neuerthelesse he doth not intend to binde his Catholike Subiects by this oath to defend and professe.

98 As for example. His *Maiesty* is perswaded, that he is the *supreame Lord and Governour, in all causes, as well Ecclesiasticall, as temporall*, and yet he doth not intend that his Catholike Subiects shall by those words of this oath [*our Soueraigne Lord King Iames*] professe and maintaine the same. Neither doth he ground the lawfulness of this oath, and the abiuration of the doctrine condemned therein, vpon his Ecclesiasticall Primacie, as my *Aduersary* here seemeth to insinuate, for that the Oath of his Ecclesiasticall Supremacie, as his *Maiesty* himselfe affirmeth, ^r was deuised for putting a difference betwene Papists, and Protestants, but this oath was ordeined

P Nu. 106. et
seq.
9 Cap. 4. sec.
3.

^r In his Apo-
logic pag. 46.

claimed for making a difference betweene the civilly obedient Papists, and the peruerse disciples of the Powder-treason.

99 Also his *Maiefty* is perswaded, that the Pope hath not power to excommunicate his *Maiefty*, and yet he doth intend by those words of the oath [*notwithstanding any sentence of excommunication &c.*] to binde English Catholikes to professe the same; ^c howsoever Card. Bellarmine, Gretzer, Lessius, and Suarez without sufficient prooffe, and M. Fitzherbert without any prooffe at all, doe affirme, that the Popes power to excommunicate is denied in this oath. For although the lower house of Parliament, as his *Maiefty* also affirmeth ^e, at the first framing of this oath made it to containe, that the Pope had no power to excommunicate his *Maiefty*, yet his *Maiestie* did purposely decline that point, ^u and forced them to reforme it, onely making it to conclude, that no excommunication of the Popes can warrant his Subiects to practise against his person, or State, as indeed taking any such temporall violence to be farre without the limits of such a spirituall Censure, as Excommunication is.

100 Likewise his *Maiefty* is perswaded, that all reconcilings of his Subiects to the Pope, and all returnings of English Priests made by the Popes authority, into this Realme &c. are truely and properly treasons, although not naturally, and forbidden by the lawe of nature, vnlesse they be repugnant to true, naturall, and ciuill alleagiance, yet positive and forbidden by the lawes of the Realme, neuertheless by those words of the oath [*to disclose all treasons &c.*] he did not intend to binde his Catholike Subiects to reueale and disclose such kinde of treasons, vnlesse they be truely and properly vnnaturall treasons, and repugnant to naturall alleagiance. For that his *Maiefty* was carefull, as he himselfe also writeth ^x, that nothing should be contained in this oath, except the profession of naturall alleagiance,

^c See my Tb. Disp. cap. 4. sec. 1.

^e In his Premonition pag 9.

^u In the Catalogue of the lyes of Torrens. nn. 1.

^x In his Premonition pag. 9. naturall.

and ciuill, and temporall obedience, with a promise to resist all contrarie, vnnaturall, and vnciuill violence.

101 Wherefore seeing that his *Maiestie* doth binde the swearer to take his oath according to the plaine and common sense and understanding of the words, although his *Maiesty* be perswaded, that it is hereticall to hould, that the Pope hath power to depose princes, yet from thence it cannot rightly be concluded, that therefore by this oath he intended to bind his Catholike Subiects to acknowledge and professe the same, vnlesse the words of the oath, according to their proper and vsuall signification doe imply the same. Considering therefore, that as I haue clearly conuincd, to make that proposition, *Princes which be excommunicated or deprined by the Pope may be deposed or murdered by their Subiects, or any other*, to be hereticall, it is sufficient, according to the common sense of the words, and the approued doctrine of Logicians, that one onely part of the *disiunction* be hereticall, as without doubt the latter part of this *disiunction* is, it is euident, that his *Maiesties* meaning was no other, then to binde the swearer to that sense, to which the words being taken in their proper and vsuall signification doe binde. And thus much concerning the consequence.

102 Now touching the *antecedent* proposition, although it be true, that his *Maiesty* is perswaded, that not onely the doctrine, which alloweth the practise of *deposing* Princes, which be excommunicated or deprined by the Pope, but also the *speculative* doctrine, which teacheth, that the Pope hath power to depriue Princes, is a false doctrine, and repugnant to holy Scriptures, and consequently *hereticall*, taking *hereticall* for that which implyeth an vntruth, contrary to the word of God reuealed in holy Scriptures, in which sense also all those Catholikes, who doe hould this doctrine of the *Popes* power to depriue Princes of their kingdomes, to be false, doe hould also, that it is contrary to the word

word of God, and consequently also *hereticall*; yet it *hereticall* be taken for that which importeth a knowne and manifest vnt ruth repugnant to holy Scriptures, and so acknowledged also to be by the common consent also of Catholikes, my *Adversarie* will hardly proue, that his *Maiesty* is perswaded, that the *speculative* doctrine, which holdeth, that the *Pope* hath power to depriue Princes, or to depose them by a iuridicall sentence, is *hereticall* in this sense, or repugnant to holy Scriptures in the opinion of all, or of the most part of Catholikes, albeit he be perswaded that the *speculative* doctrine, which approueth the *Popes* power to *murther* or to take away the liues of Princes, be in this sense *hereticall*, as in very deed it is: And therefore all those Priests, who then were Prisoners in *Newgate*, and the *Gate-house*, and now are in *Wisebeech*, being examined by his *Maiesties Commissioners* vpon certaine articles, and did directly answer to the questions which were propounded, did agree in this, that it was directly and absolutely *murther* for any man to take away the life of his *Maiesty*, and that the Church could not define it to be lawfull for any man to kill his *Maiesty*, although for the point of *deposing*, some of them answered otherwise, some others declined the question, and many of them did insinuate, that as yet this point touching the *Popes* power to dedose Princes is not defined by the Church.

103 And although his *Maiesty* doth alleage much more Scripture to condemn the doctrine touching the deposition of Princes, then I doe for the condemnation of violent attempts against their persons, yet it cannot be denied, both that his *Maiesty* might haue brought more plaine and pregnant places, against the doctrine of *murthering* Princes, if he had thought it needefull, and not supposed it to be a manifest vnt ruth, and condemned by the common consent also of Catholikes, and also that all those places, which his *Ma-*

ieftly bringeth to proue, that Subiects owe ciuill obedience to temporall Princes, and against the Popes Ecclesiasticall power to depriue Princes of their temporall kingdomes, doe more forcibly conclude against *violent attempts* against their sacred persons, and against the Popes Ecclesiasticall or spirituall power to *murther* kill, or depriue them of their liues, which *bloody punishments Ecclesiasticall mildnes doth so much abhorre.*

104 Neither doe I take the word [*murthered*] in that clause of the oath, as it doth formally signifie an *unlawfull act*, and a *mortall sinne*, and in that sense apply the precept, *Thou shalt not kill*, to this clause of the oath, as my *Aduersary* would perswade the Reader, but I take *murthered* in that clause, as it doth denote *materially* the *killing* of Princes, which be excommunicated or depriued by the Pope: And I affirme, that the *killing* of such Princes is *directly and absolutely a mortall sinne*, and is that *murther*, or *killing*, which is forbidden by the law of God, and nature, reuealed to vs in the holy Scriptures, and especially in those two places which the *Author* of the *English Dialogue*, whose obiection against that clause of the oath I tooke vpon mee to answer, did alleadge. The *first* place 1, *Reg.* 26. *Kill him not, for who shall extend his hand against the Lords annointed, and be innocent?* doth more particularly belong to Princes. The *second* place *Exod.* 20. *Thou shalt not kill*, is common also to priuate men, and therefore much more to be applyed to the *killing* of Princes.

7 part 2. sec. 5.
nu. 4.

105. Neither is it necessary as I obserued in my *Appendix* 7 against *Suarez*, to make that position contained in the *Oath* to be *hereticall*, and repugnant to Gods commandement, that the Scripture should haue added, *Thou shalt not kill Princes which be excommunicated or depriued by the Pope*. It is sufficient that all *killing* both of priuate men, and much more also of
temporal

temporall Princes, (who haue in their handes the materiall sword it selfe, and supreme power to kill or saue) is vnlawfull and forbidden by this precept, which is not warrantable either by other places of holy Scripture, or declared by the Church to bee lawfull, and to haue sufficient warrant. Now it is manifest, that neither the Church, nor any one Catholike Doctour euer taught, that the Popes sentence of *excommunication* or *deprivation*, although wee should grant, that the Pope hath power to *deprive* Princes by way of sentence, doth giue sufficient warrant or authority to Subiects to *kill* their Prince, for that the Popes sentence of *deprivation* doth at the most by the consent of all Catholicks, *deprive* a Prince of his *right to reigne*, but not of his corporall life, or of his *right to liue*. And thus much concerning the antecedent proposition.

106 *Lastly* to say something also concerning the consequent, although as you haue scene, I do viterly deny, that to *abiure* this doctrine and position as *hereticall*, *That Princes which bee excommunicated or deprived by the Pope may be deposed or murdered by their Subiects or any other*, it is necessary by *vertue of the forme* of words being taken in their proper and vsuall signification, and by *force* of the coniunction disiunctiue [*or*], that both parts of the *disiunction* bee *abiured* as *hereticall*, neuerthelesse I doe willingly grant, that by *vertue of the matter* both parts of that *disiunctiue* proposition may bee truely *abiured* as *hereticall*, if wee take the word *hereticall*, as by many learned Catholickes it is taken in a true, proper, and vsuall signification. For the better vnderstanding whereof wee must obserue out of *Alphonfus de Castro*², *Didacus Conerruuias*³, and others, that although the Catholike Church can determine of heresie, yet an assertion is not therefore heresie, because the Church hath defined it, but because it is repugnant to Catholike faith, or which is all one, to that which is revealed by God. For the Church by her de-

² Lib 1. aduers.
hereses cap 8.
³ Lib. 4. variar.
resolut. cap. 14.

definition doth not make such a position to be heresie, seeing that it would be heresie, although she should not define it; but the Church canserh this, that by her censure she maketh knowne, and manifest to vs, that to bee heresie, which before was not certainly knowne, whether it might iustly be called heresie, or no.

107. For the whole Church (excluding Christ her principall head) hath not power to make a new Article of faith which neuerthelesse shee might doe if she could make an assertion to be hereticall: But that the Church hath not power to make a new Article of faith, it is conuined by manifest reason. For euery assertion is therefore called Catholike, for that it is reuealed by God: Seing therefore that diuine reuelation doth not depend vpon the approbation, or declaration of the Church, the declaration of the Church doth not make that Catholike, which is reuealed by God. The Church therefore doth determine that this is reuealed by God, but shee doth not make that which is reuealed by God to be true: for if such a verity be called Catholike, for that it is contained in holy Scriptures, seeing that such a verity to bee contained in holy Scriptures, doth not depend vpon any humane will, but vpon God alone, the Author of those Scriptures, it is manifest by this reason, that the Church can doe nothing at all, that such a truth doth belong to faith: For the holy Scriptures haue this of themselves that wee are bound to beleene them in all things. Wherefore the Church defining any thing to be of faith, although she doth certainly define, and cannot erre, yet by her definition she doth not make that truth to bee Catholike faith. For shee did therefore define that truth to be Catholike, because that truth was Catholike, and if it had not bene Catholike, the Church defining it to bee Catholike should haue erred, therefore it was Catholike and reuealed by God before the Church defined it. Wherefore the Church cannot make a new Article of faith, but that which before was true faith, but not certainly knowne to vs, she Church by her definition ma-

keeth it knowne to vs.

108 In like maner wee haue this from the Church, to know certainly which is diuine Scripture, and we are bound to account that to be diuine Scripture, which the Church hath defined to be diuine. And although shee doth certainly define, and cannot erre, yet shee doth not make by her definition, that Scripture to bee diuine: for therefore shee hath declared it to be diuine, because it was truly diuine, and if it had not beene before diuine Scripture, the Church would not haue declared it to be diuine. Wherefore although that assertion which is condemned by the Catholike Church to be contrary to Catholike faith, and to bee accounted heresie, was also heresie before the definition of the Church, yet before the Church did define it, the maintainers of that opinion were not called heretickes, because it was not knowne, whether that opinion was contrary to Catholike faith: but now after the definition of the Church they shall bee called hereticks, whosoener shall approue and maintaine that opinion, not for that their opinion was not before false, contrary to Catholike faith, and heresie, but because this name of heretickes beeing infamous, and appertaining to that most heinous crime, doth require a certaine pertinacy, and rebellion departing from the definitions of the Catholike Church, which could not truly be accounted at that time, when it was doubtfull and disputable, and the Church had not defined, whether that opinion was repugnant to Religion and faith.

109. In this sense therefore it may be said, that the Church hath power to declare an assertion to be Catholike, and to appertaine to Catholike faith, to this effect, that after the definition of the Church, the said assertion is so manifestly of faith, that he is to be accounted an obstinate hereticke, who defending the contrary shall depart from that definition, although before the definition of the Church, the said assertion albeit was most true and Catholike, yet by reason of the doubt, and controuersie touching that point
h.e.

hee could not iustly be called an heretick, who should allow, and follow the contrary position. And what hath bene said, if there be any doubt, or controuersie touching any text of holy Scripture, and the true sense thereof, is proportionally to be vnderstood, if there be any doubt, or controuersie touching any definition of the Church, and the true sense thereof; as wee see there is now a controuersie betwixt the *Diuiues of Rome*, and *Paris*, touching the definition of the *Councell of Constance* concerning the Superiority of the *Church*, or a *Generall Councell* about the *Pope*, and among many other *Catholikes* touching the decrees and declarations of diuerse other *Generall Councells*, and now lately touching the sense of those words of the *Councell of Lateran*, *Si vero Dominus temporalis, &c.* But if the temporall Lord, &c. Which some *Catholikes* of late haue greatly vrged to proue the *Popes* power to depose Princes, whereof beneath we will discourse at large.

b Part. 3. cap. 9.
& seq.

110. From this doctrine, which neither Mr. Fitzherbert, nor any other can proue to be *improbable*, it cleerly followeth, that *heresie* being a falshood repugnant to holy Scriptures, or diuine reuelation, with the same *certainty*, or *probability*, wherewith one is perswaded, that such a doctrine, or position, is false, and repugnant to holy Scriptures, or diuine reuelation, with the same *certainty*, or *probabilitie* hee may *abhorre*, *detest*, and *abiure* that doctrine for *hereticall*; And consequently it followeth, that if it be lawfull to *abhorre*, *detest*, and *abiure* for *impious*, *damnable*, and *false* doctrine repugnant to truth contained in the word of God, this Doctrine and position, *That Princes which be excommunicated or deprived by the Pope may be deposed or murdered by their Subjects or any other*, (which position for that it concerneth *practise*, and not onely *speculation*, is in very deed false, *impious*, *damnable*, and repugnant to truth contained in holy Scriptures, and ought so to be accounted, not onely by those, who are of opini-

on that the *Pope* hath not power to *deprive* Princes, but also, so long as this question remaineth vndecided and in controuersie, by those who doe *speculatiuely* thinke that hee hath authority to deprive them) it is lawfull also to abiure it for *hereticall*. And this I hope may suffice for the defence of my first, and principall answere, and for the confutation of M. *Fitzherberts Reply* therevnto.

III. The *Second* answere, which I haue heard many Catholikes giue to the aforesaid obiection of the Authour of that English *Dialogue* against the word [*hereticall*] contained in this clause of the oath, and which *Answere* Mr. *Fitzherbert* labourerh in vaine to ouerthrow, I related^c in these words. *The second principall answere*, which some of our Countymen doe make to the aforesaid obiection, is gathered from the doctrine of Card. *Bellarmino*, who expounding^d that sentence of *Pope Gregory* the first^e *I confesse, that I doe receiue the foure first Councells, as the foure bookes of the Gospell*, affirmeth, that the aduerbe [*as*] doth import a *similitude*, and not an *equality*, as that of *Matth. 5. Be you perfect, as your heauenly Father is perfect*. For in like manner these Catholiks doe answere, that those words, *I doe abhorre, detest, and abiure as heretical, &c.* doe not import an *equality*, but a *similitude*, and that in common speech they doe onely signifie, that I doe exceedingly detest that doctrine. And so wee vsually say, *I hate him as the diuel*, *I loue him as my brother*, not intending thereby to affirme, that the *one* is in truth a *Diuel*, or the *other* my brother.

III 2 Now to omit the word [*murdered*] as though there were no mention at all made in the oath, concerning the *murdering* of Princes, and to speake onely of *deposing* them; these men affirme, that the aforesaid position, *Princes, which be excommunicated or deprived by the Pope, may be deposed by their Subiects, or any other*, supposing that this question concerning

^c Cap. 5. Sec.
2. nu. 28. 29

^d Lib. 2. de Consil. cap. 12.

^e Lib. 1. epist. 24.

the *Popes* power to depose Princes, is not yet decided^r is in their iudgments a false, and seditious proposition, and that it hath some similitude with *heresie*, not for that they thinke it to be in very deed *hereticall* (taking *hereticall* in that strict sense, as some Catholikes doe take it) but for that they doe constantly hold it to be of such a nature, that it may be condemned by the Church for an *hereticall* proposition (and then the maintainers thereof to be properly *heretikes*) if *deposing* be taken in that sense, as it is in this branch of the oath distinguished from *depriving*. For to *deprive* a Prince, is to take away by lawfull sentence his Regall authority, and in this branch is referred to the *Pope*, but to *depose* a Prince is to thrust him out of the possession of his kingdome, and in this branch is referred to *Subjects*, or any other whatsoever.

113. The *first*hood therefore of the aforesaid position, may be gathered partly from holy Scripture, ^{Mat. 22.} *Render to Caesar the things which are Caesars*: which precept is plainly vnderstood, not onely of rendering to Caesar that which is Caesars, but also of not taking away from him that which is his, and which he lawfully possesseth: as also contrarywise the plaine meaning of that precept of the *Decalogue*, *Thou shalt not steale*, ^{Exod. 20.} is not onely that wee must not take away vniustly, that thing which is our neighbours, but also that we must render to him that which is his owne. And partly it may be gathered from the most true principles of the Diuines, and Lawyers, to wit, *that no man is to be put out of his lawfull possessions, untill the right of the aduerso party be sufficiently decided.*

114. Seeing therefore that this question concerning the *Popes* power to deprive Princes is not as yet sufficiently decided, for that *as yet the Iudge hath not determined the controuersie*, as *Trithemius*^h well affirmed, and we also aboue i haue shewed, so long as it is in question among Catholikes, and probably disputed

^h In Chron.
Monist. Hist.
ad annum
1105.

ⁱ Cap. 3. sec. 3

ted on both sides, whether the Pope hath such authority to deprive Princes or no, they cannot by vertue of any Excommunication, or sentence of deprivation, made by the Pope against them, be deposed by their Subiects, or any other whatsoever, or, which is all one, be violently by their Subiects, or any other, thrust out from their Kingdomes which they doe rightfully possesse. By this therefore which hath bene said it is manifest enough, that according to both these answers, although many doe like best the former, that the aforesaid position, Princes which be excommunicated or de-riued by the Pope, may be deposed by their Subiects, or any other whatsoever, may truely, lawfully, and without any danger of periury be abiured as impious and hereticall doctrine. Thus I answered in my Theol. Disputation.

115 Now against this Answer M. Fitzherbert objecteth thus: *This second answer saith he^k, is sufficiently confuted by the words of the law or oath, which as I have signified ought to be taken, & understood in their most proper & cleare sense; in which respect the aduerbe [as] being ioyned to impious and hereticall, must needs denote and signify, not a similitude, nor yet an equalitie, (by the way of comparison) but a realitie of impiety, and heresie in that doctrine, for so, no doubt, doth every man take it that readeth the said clause.*

116. But to this it is answered, first, that M. Fitzherbert abuseth his Reader in corrupting and concealing those rules, which I related out of Suarez, and others, for the vnderstanding of the words of every law, and consequently of this oath. For neither did those Authors affirme, that the words of every law ought to be taken, and vnderstood in their most proper, and most vsuall sense, but onely in their proper and vsuall sense, taking proper, as it is opposed to improper, or metaphoricall, and not to that which is somewhat the lesse proper, and vsuall, as it is opposed to vnu-
suall, and not to that which is somewhat the lesse vsu-
all

^k Cap. 4. 22.

23.

1 Lib. 6. de
Leg. cap. 1. nu.
17.

all: Neither did they also affirme, that the words of euery law, are *alwaies* to be vnderstood in their proper and vsuall signification: but the *matter* also of the law, the *will* of the law-maker, and other *circumstances* are to be regarded. Wherefore if at any time, saith Suarez¹, the words taken in their proper signification should argue any iniustice, or like absurditie in the minde of the Law-maker, they must be drawne to a sense although improper, wherein the law may be iust and reasonable, because this is presumed to be the will of the Law-maker, as it hath bene declared by many lawes in ff. tit. delegibus. For in a doubtfull word of the Law, saith the Law, that sense is rather to be chosen, which is void of all default, especially seeing that by this the will also of the Law-maker may be gathered. For it ought not to be presumed, that the Law-maker did intend to command any absurd or incommenient thing, vlesse the contrarie doe evidently appeare.

m Cap. 1. nu.
11.

117 But if it chance, saith Suarez^m, that any words of the Law haue together many proper and vsuall significations, then we must obserue that rule, which in all ambiguous and equiuocall speeches, is wont prudently to be obserued, to wit that the matter of the Law with other circumstances be diligently considered, for by them the meaning of the words will be easily determined. For the words must especially be agreable to the matter, according to that rule of the law,^o whensoever the same spech hath two senses, let that especially be taken, which is more agreable to the matter. And therefore if the words be ambiguous or doubtfull, they must be drawne to that sense, as I said before, which containeth no iniustice or absurdity: And a benigne and fauourable interpretation, if there be no other let, is alwaies to be preferred, according to that approued rule of the law, p. Lawes are to be interpreted in the more fauourable sense, that thereby their will and meaning might be conserued: and doubtfull speeches, as Emannuell Sa. affirmeth, q are to be taken in the better sense, and which is more profitable to the speaker

o Leg. Quoti-
es ff. de regulis
Iuris.

o Leg. Benig-
nius ff. de legi-
bus.
q Verbo Inter-
pretatio
nu. 17.

ker. This, and much more to the same purpose did I there at large relate; which my *Aduersary* here concealeth; and which if he had set downe, would plainly haue satisfied his chiefeſt exception, by which, contrary to the afoſeſaid rule; he labourerh to drawe the wordes of this oath, which hee may *favorably*, and *commodiouſly* expound, to containe in his opinion, an *unlawfull*, and *inconuenient ſenſe*.

118. And from this, which I haue now related, it is answered *ſecondly*, that the *Aduerbe* [*as*] being an *Aduerbe* of *ſimilitude*, doth *moſt properly*, *moſt commonly*, and *moſt uſually* denote a *ſimilitude*, or ſome equality by way of *compariſon*, and not an *identitie*, or *reality*: and it ſometimes it doth ſignifie an *identitie*, or *reality*, as many times it doth, although ſeldome in *compariſon* of the other, this is by *reaſon of the matter*, & not by *uerne of the word*, or by force of the *Aduerbe* of *ſimilitude* [*as*]. Wherefore to know, when the *Aduerbe* [*as*] doth ſignifie a *ſimilitude*, and when a *reality*, or *identitie*, we muſt regard the matter, to which it is applied. Seing therefore that this doctrine or poſition, *That Princes which be excommunicated or deprived by the Pope, may be depoſed, or thruſt out of the poſſeſſion of their kingdomes by their ſubjects or any other*, ſo long as this doctrine concerning the *Popes* power to *deprive* Princes remaineth *queſtionable*, and not *decided*, is *truely impious*, and although it be not *truely hereticall*, taking *hereticall* for that, which to maintaine maketh one a *formall hereticke*, yet it hath a great *affinity*, and *ſimilitude* with this *hereticall*, for that it is a *false*, *impious*, and *dammable doctrine*, *repugnant* to morall iuſtice, *iniurious* to *Soueraigne Princes* in a moſt high degree, and *contrary* alſo to the word of *GOD* reuealed in holy *Scriptures*, which therefore may by an *authentick definition* of the Church be declared to be *properly* and *ſtrictly hereticall*, for this cauſe it may well be ſaid, that according to the afoſeſaid rule, that doubtfull or ambiguous words of a law

are to be taken in the more favorable sense and where in they containe no *iniustice*, or *vnttruth*, the Aduerbe [*as*] being, according to his most proper, and most usual signification, an Aduerbe of *similitude*, may in the word [*impious*] by reason of the *matter*, and not by *force* of the word, denote, and signifie an *identitie*, or *reality* of *impiety*, and in the word [*heretical*] onely a *similitude*, or some *equality* of *heresie* by the way of comparison, taking *heresie* in the aforesaid rigorous manner: Neither ought any man that readeth the said clause, the aforesaid rules being obserued, vnderstand the Aduerbe [*as*] in any other sense, especially which is thought to be *false*, or *inconuenient*.

r Nu. 6.

119. But besides that this difference may be noted, saith Mr. Fitzherbert, betwixt the examples, which Widdrington giueth, and this clause of the oath, that in the examples, to wit, I loue him as my brother, and, I hate him as the Diuell, and such like, the word [*As*] hath relation to two diuerse subiects, and therefore must needs be vnderstood comparatiuely, whereas in the clause of the oath, there is speech onely of one subiect, to wit, of the doctrine, and heretical being an adiectiue is affirmed also of the said doctrine, as *prædicatum de subiecto*, and therefore the word [*as*] being referred to hereticall, which is affirmed of the doctrine onely, cannot be vnderstood comparatiuely (as it is in the examples where there are two different subiects) but must needs denote a reality of heresie in the doctrine.

120. But first it is vnttrue, that in the examples, which I brought, the Aduerbe [*as*] must of necessity haue relation to two diuerse subiects, or persons: for it may be referred to one and the same subiect or person; as if one should be blamed for not louing his brother, or for not hating the Diuell, hee might very well answer, and say, in truth I loue him as my brother, or I hate him as the Diuell: where the Aduerbe [*as*] by reason of the *matter* doth signifie a reality of brother-

hood

hood, and a true *Duel*, and not onely a *similitude*, or an *equality* by the way of comparison. And therefore to know when the *Aduerbe* [*as*] doth denote a *realty*, and not a *similitude*, wee must regard the *matter*, to which it hath relation, for that *most commonly*, and according to the *most proper* signification, and *force* of the *word*, it being an *Aduerbe* of *similitude*, doth denote onely a *similitude*, and if perchance it doth signifie a *realty*, it is not by *force of the word*, and by the *most common* signification thereof, but by *reason of the matter*, to which it is applyed.

121. Secondly, it is also vnttrue, that the *Aduerbe* [*as*] when it connecteth the *predicate* with the *subject*, or the *adiective* with the *substantive*, doth alwaies denote a *realty*, and not onely a *similitude*, or an *equality* by the way of comparison, as by infinite examples contained in the holy *Scriptures* I could conuince. As *Psal.* 37. *Ego autem tanquam surdus non audiebam, &c.* and I as deafe did not heare, and as dumbe opened not my mouth. *Isa.* 53. *Et nos putauimus eum quasi leprosum.* And we accounted him as leprous. *Isa.* 57. *quia tacens et quasi non videns.* For I boulding my peace, said almighty *GOD*, and as not seeing. *Isa.* 59. *palpauimus sicut cæci parietem.* Wee as blind groped the wall. *Iob.* 12. *errare eos faciet quasi ebrios.* hee will cause them to erre as being drunken. *Mat.* 28. *Et facti sunt velut mortui.* And they became as dead. *Mar.* 9. *Factus est sicut mortuus.* He became as dead. *1 Cor.* 15. *tanquam abortiuo visus est et mihi.* And hee appeared to me also as an abortiue. *2 Cor.* 11. *ne quis me putet insipientem, alioquin velut insipientem accipite me.* Let no man thinke mee to be foolish, otherwise take mee as foolish. *Apocalyp.* 1. *Cecidi ad pedes eius tanquam mortuum.* I fell at his feet as dead.

122. In these, and infinite other examples, which might bee alleadged, there is speech onely of one *subject*, and the *Aduerbe* [*as*] doth connect the *adiective* or *predicate*, with the *substantive* or *subject*, and yet it doth

doth not denote a *reality*, but onely a *similitude*. And if perchance any one should reply, and say, that in those examples, although one onely *substantive* or *subject* bee expressed, yet there may bee vnderstood nor the same *substantive* or *subject*, but an other: as *I fell at his feet as a dead man*, *take me as a foolish man*, and so of the rest: so likewise we may say that in this clause of the Oath there may bee also vnderstood an other *substantive* or *subject*, as, *I abhorre, detest and abinre as impious and hereticall doctrine, this doctrine and position &c.* Wherefore whether there bee one *subject* or two, whether the *adiective* bee affirmed of the *substantive*, as *predicatum de subiecto*, or no, the *Aduerbe* [*as*] by the proper signification, and force of the word being an *Aduerbe* of *similitude*, doth most commonly, and vsually denote a *similitude*, and if at any time it signifie a *reality*, or *ideptitie*, it is not so much by force of the word, as by virtue of the matter, to which it is referred.

123 And this is the reason, why the *Aduerbe* [*as*] being referred to *impious* in this clause of the Oath, doth denote a *reality*, and truth of *impiety*, and being referred to *hereticall* doth onely denote a *similitude* of *heresie*, taking *heresie* in that strict sense before declared: because although it being an *Aduerbe* of *similitude*, doth by virtue and force of the word onely denote a *similitude*, both in the word *hereticall*, and also in the word *impious*, yet by reason of the matter, to which it is referred, for that the doctrine contained in this clause is truly *impious*, and it is *hereticall* onely by *similitude* and comparison, taking *hereticall* in that rigorous sense before mentioned, therefore according to the aforesaid rule, that the sense of the wordes of every law is to bee vnderstood according to the matter, and that the sense and meaning of the wordes of every law, (and consequently of this oath established by a publike law) ought to bee drawne to that sense, if there be no other let,
which

which containeth no vnt ruth, iniustice, or absurdity, and that the Aduerbe [as] in common sense, and vnderstanding of men, to which common and vsuall sense his Maiessty doth in expresse wordes bind the takers of this oath, doth onely denote a similitude and not a reality, vnlesse the matter which is treated of doth enforce vs therevnto, there is great reason, that the Aduerbe [as] should in the word impious, by vertue of the matter, and not by force of the word, being taken in his most proper and vsuall signification, signifie a reality, and in the word hereticall, taking hereticall in that rigorous manner so often repeated, should denote onely a similitude, or some equality by the way of comparison.

124 And by this which hath beene said, that also which M. Fitzherbert lastly addeth, is easily answered. Furthermore, saith hee^t, it is euident, that the Aduerbe [as] being considered as it is ioyned with the word [impious] doth clerely imply the reality whereof I speake, signifying that the said doctrine is truely impious, and wicked, and not onely to be esteemed so by the way of similitude, or comparison, as it is manifest by the wordes before and after, which are, I doe from my heart abhorre, detest, and abiure, as impious and hereticall, this damnable doctrine, &c. Whereby it is cleare, that his Maiesties meaning was to cause the takers of this oath to condemne that doctrine to bee truely impious, seeing that hee will haue them to sweare, that they abhorre and detest it from their heart, and calleth it also a damnable doctrine.

125 And this being so, I would gladly know of Widdrington, what reason hee can haue to take the Aduerbe [as] in one sense as it is referred to hereticall, and in another, as it is ioyned with impious, seeing that is referred to both alike with a copulative coniunction, the one immediately following the other: will hee say that it is to bee taken properly in the one, and improperly in the other? How

can that stand with his former rules out of Suarez touching the cleare and perspicuous sense, which is required in Lawes and Oaths (especially in this oath, wherein there is an expresse clause afterwards to exclude allequinoctiation?) therefore hee must needs grant, that if the doctrine be abused as truly impious, it is also abused as truly hereticall, or else hee must make such a Gallimaufrey, as was neuer made in any law or oath, within the compasse of foure wordes onely.

126. But this is easily answered by that which I haue already saide. For first, if the word [*hereticall*] be taken in that sense, as *Alphonfus de Castro*, *Conceruuias*, and many other learned Catholikes doe take it, for euery false doctrine, which is repugnant to the word of God, or diuine reuelation, which is a proper, and usuall signification of the word [*hereticall*] and in which sense also, as I conceiue, his Maiessty, and other Protestants doe take that word, and not for that doctrine which is made hereticall by the definition or declaration of the Catholike *Romane Church*, then the aduerbe [*as*] both in the word *impious*, and also in the word *hereticall* doth by vertue of the matter, and other circumstances, denote a reality of impiety, and heresie, although not by force of the word being taken in the most proper and usuall signification, which being an aduerbe of similitude, would onely denote a similitude both of heresie, and also impiety, vnlesse the matter, with other circumstances, did imply the contrary.

127. But if the word [*hereticall*] be taken for that doctrine, which is made hereticall by the Church, and which before the declaration, or definition of the Church is not accounted hereticall, although it be in very deepe a false doctrine, and contrary to the word of God, reuealed to vs in the holy Scriptures (which signification of the word, *hereticall*, whether it be the more proper, and the more usuall then the former, or no, I will not now contend, it being sufficient, and ouer sufficient

sufficient for my purpose, that the *former* sense is *proper* and *usuall* among Catholikes, and not *metaphoricall* and *unusuall*) then the reason, which a little aboue I alleaged, is very sufficient, and my *Aduersarie's* demand is clearly satisfied, to wit, why the aduerbe [*as*] should *by vertue of the matter*, and *by the approued rules* of Diuines and Lawyers, for the interpretation of the words of euery Law, being referred to *impious*, signifie a *realitie* of *impiety*, and being referred to *hereticall*, should onely denote a *similitude* of *heresie*, taking *heresie* in that rigorous sense (although *by vertue of the word*, and proper signification of the aduerbe [*as*] it being an aduerbe of *similitude*, both in the word *impious*, and also in the word *hereticall*, doth onely signifie, as I haue saide, a *similitude* of *impiety*, and *heresie*) Neither then should the aduerbe [*as*] be taken *properly* in one, and *improperly* in the other, as my *Aduersary* would seeme to inferre, but it is taken *properly* in both, for that the aduerbe [*as*] doth *properly*, and *usuallly*, *by reason of the matter* sometimes denote a *realitie*, and sometimes a *similitude*, although most *properly* and most *usuallly*; it being an aduerbe of *similitude*, doth *by force of the word* denote onely a *similitude*.

128 Secondly, to that which M. Fitzherbert obiekteth touching *equiuocatio*, which by an expresse clause is excluded in this oath, I answered also in my *Theological Disputation*, that his *Maiesty* by those words [*without any equiuocation*] did not vnderstand and meane, that in the oath, no *equiuocall* word, or sentence was contained, for this is almost impossible, seeing that most words are *equiuocall*, and haue *dierse*, yea and sometimes also *proper* and *usuall* significations: But his *Maiesties* meaning was, that the swearer should not *equiuocate*, that is, *deale vsincerely*, but he should *deale plainely*, and *sincerely*, without any fraude or guile, nor take the words in an other sense, then the

common meaning and vnderstanding of them doe beare. And so those words [*without any equivocation &c.*] are onely a declaration of those former words [*And all these things I doe plainly and sincerely acknowledge and swear &c.*] For it is one thing to vse *equiuocall* words, which may be called a *materiallequivocation*, and an other thing to *equivocate*, or to vse *formallequivocation*. For to *equivocate* properly, or to vse *formallequivocation*, as it is commonly vnderstood in this Kingdome, is to vse *equiuocall* words, or some *secret reservation* of purpose to *delude* the hearer, so that he, who heareth the words, vnderstandeth them in an other sense, then he who vttereth them; and it importeth an *unsincere manner of dealing*. If therefore in this *oath* there be perchance *many common senses* of the same word, sentence, or proposition, all circumstances duly considered, we ought to take it in that *common sense*, wherein we are perswaded his *Maiestie* would haue vs to take it, for this is his principall meaning and intention, that we should deale *plainly and sincerely* with him, without any fraude, guile, mentall euasion, or secret reservation whatsoever.

129 And if it should so fall out that we cannot be assured of his *Maiesties* meaning and intention, when any difficulty concerning the sense of any word or sentence contained in the oath shall arise, then we must recurre to those generall rules, which *Diuines & Lawiers* assigne for the interpreting of the wordes of euery law, for this wee may with iust reason presume to bee the generall intention of his *Maiesty*, as also of euery lawmaker. And if perchance there bee any Catholike so scrupulous, that by applying the aforesaid generall rules to any ambiguous and doubtfull word, or sentence in the *oath*, he cannot yet quiet his conscience, yet he may auoid all danger of *equivocating*, by publicly declaring in what sense he taketh that word or sentence

sentence, which hath diuers *proper* and *usuall* significations: as by declaring in what sense hee taketh the Aduerbe [*as*] both in the word *impious* and also in the word *hereticall*, and likewise in what sense he taketh the word *hereticall*, and so of others, and this declaration will both auoid all danger of *equisuocating*, and also without doubt satisfie the *Magistrate*, so that his *declaration* be not knowne to be against his *Maiesties meaning and intention*.

130 And truely it is strange, that whereas the oath is by his *Maiesty*, and the *Parliament* propounded, and expressed in such maner of wordes, that according to the approued rules assigned by *Catholike* Diuines and Lawyers for the interpreting of lawes, it may bee expounded in a *true*, *lawfull*, and *commodious* sense to the swearer, which sense also is agreeable to the *proper* and *usuall* signification of the words, yet M. *Fitzherbert*, and other impugnors of the oath, (for which English *Catholikes* are to giue them little thankes) will needs haue them, *contrary to the aforesaid rules*, vnderstand in that sense, which they account to be *false*, *unlawfull*, and to bee an *utter ruine to the refusers* of the oath, whereas, according to the aforesaid rules, they ought to draw the wordes, to a *metaphoricall* and *improper* sense, if the *proper* sense should argue in the law, (and consequently in the oath ordained by a publike law) any *falsehood*, *iniustice*, *absurdity*, or other *inconuenience*.

131 Seeing therefore it cannot be denied, that the *proper* and *usuall* signification of the Aduerbe [*as*] it being an Aduerbe of *similitude*, is to signifie a *similitude*, and often times also *by reason of the matter*, but not *by force of the word*, being taken in the *most proper* and *most usuall* signification, a *reality*: and of the word [*hereticall*] as it is taken by many *Catholike* Diuines, for euery *falsehood* repugnant to *diuine reuelation*, it is manifest, that whether we affirme, that the Aduerbe

[as] doth signifie onely a *similitude*, or also a *reality* both in the word *impious*, and also in the word, *hereticall*, or a *reality* in the *first*, and a *similitude* in the *second* in the maner before declared, it is no *gallimaufre*, but a *true*, and *plaine* declaring of the *common* sense, and vnderstanding of the wordes according to the approued rules prescribed by Catholike Diuines and Lawyers for the interpreting of doubtfull and ambiguous wordes in euery Law. And thus much concerning the *second Answer*, and M. Fitzherberts Reply against the same.

132 Now then to make an end of this Chapter, vpon these *premises* I will draw foure conclusions contrary to those which M. Fitzherbert heere collecteth. First, saith hee", *whereas Widdrington chargeth mee to haue affirmed falsely, that the doctrine of the Popes power to depose Princes, is manifestly abiured in the oath, as impious and hereticall, hee chargeth me falsely in two respects, the one because I affirmed no such thing, and the other for that albeit I had said so, yet I had said truly, as it evidently appeareth, not onely by the plaine wordes, substance and circumstances of the oath, but also by his Maiesties meaning and intention therein.*

133 But contrariwise I conclude, that whereas I charged him *to haue falsely or vntruely affirmed, that the doctrine of the Popes power to depose Princes is manifestly abiured in this oath, as impious & hereticall*, I charged him truly in two respects: the one because it is true, that he affirmeth so much as I haue cleerly conuined by his owne wordes, and I wonder that hee is not ashamed to affirme such a palpable vnt ruth: the other for that this assertion of his is false, as evidently appeareth both by the plaine words, substance, and circumstances of the oath, and also by his *Maiesties* meaning and intention therein, which is to bee gathered principally by the words, which, as you haue scene, being taken in their *proper* and *common* sense, doe cleerly
shew

shew that both parts of that disjunctive proposition, *Princes which bee excommunicated or deprived by the Pope may bee deposed or murdered by their subjects*, are not of necessity to bee abiured as *hereticall*, although by *ver-tue of the matter*, if *hereticall* bee taken for euery false doctrine which is repugnant to truth, contained in holy Scriptures, whether the Church haue declared, or not declared it to bee so, both parts of that position, which alloweth the practise of *deposing* or *murdering* Princes which bee excommunicated or deprived by the *Pope*, may bee truly abiured as *hereticall*, as I haue abundantly shewed before.

134 Secondly, it appeareth, saith M. Fitzherbert ^x, how different Widdringtons doctrine & belief concerning the Popes power to depose Princes, is from his Maiesties, yea from the whole substance of the oath, seeing that according to Widdringtons opinion, the said doctrine is probable, (and consequently may bee held, taught, and sworne) whereas his Maiesty by this oath condemneth it for detestable, damnable, impious, and hereticall, whereby it may appeare also what good seruice he doth to his Maiesty with this his probable doctrine, as I haue noted before in the Preface.

x nu. 30.

See Preface nu. 25. 26. & 27.

135. But whether my doctrine, and beleife concerning the Popes power to depose Princes be different from his Maiesties, or no, (which my Adversary, if hee had beene pleased to haue diligently perused my writings, might quickly haue perceiued) it is *impertinent* to the present question concerning the lawfulnessse, or vnlawfulnessse of the oath; and therefore I neede not at this time to speake more expressly thereof, for not giuing my Adversary occasion to wrangle about *impertinent* questions, and to decline the chiefe point, which is controuersie about the lawfulnessse of the oath. For to proue the oath to be *lawfull*, or *vnlawfull*, wee must not so much regard what his Maiesties beleife, or opinion is, touching any point of controuersie, which may seeme

seeme to be any way insinuated in the oath, as it appeareth by his *opinion* concerning his Primacie in spiritualls, and the *Popes* power to *excommunicate* him, and such like, which neuerthelesse he doth not intend, that his Subjects shall be bound to affirme or deny in this oath; wee must not I say, so much regard his *opinion*, as his *intention*, and what is the true *sense*, and *meaning* of the oath according to the plain and common understanding of the words, to which his *Maiesty* doth bind the taker, and what by *vertue of the words* we must *acknowledge*, *professe*, *detest*, and *abiure* in this oath: Now it is euident, as I haue shewed before, that my opinion is not different from the substance of the oath, nor from that which his *Maiesty* intendeth to bind the swearer to *acknowledge*, or *abiure* in this oath.

136. For I affirme two things, which are the whole substance of the oath; The first, is that any Catholike may lawfully, and with a safe conscience declare, testifie, and acknowledge, before God, and in his conscience, that the Pope hath no power to depose his *Maiesty*, nor to dispose of any his kingdomes, or Dominions, and so of the other claules, which doe follow from this doctrine. And my reason is, for that the doctrine for the *Popes* power to depose Princes, I will not say at this present, is a false doctrine, and repugnant to the holy Scriptures, and to the ancient Fathers, but it is not certaine, and a point of faith, (as Maister Fitzherbert, and some others of his companie will needs haue it to be) and the contrary is probable and consequently may with a safe and probable conscience be acknowledged and maintained by any Catholike. But whether it be probable, that the Pope hath power to depose Princes or no, I doe not at this present dispute, neither doe I either grant it, or deny it, or meddle at all therewith, as being vnnecessary to proue the oath to be lawfull. That which I affirme at this time is, that it is probable, that the Pope hath no such power. Let vs first agree about

about this point, that it is *probable*, that the Pope hath no such power, and then we will dispute, how *probable* it is, that he hath such a power. In the meane time all Mr. *Fitzherberts* cunning, turning, and winding shall not draw mee to so great a disadvantage, as to take vp-
on mee to proue that to be *certaine*, which he, and the rest of my *Adversaries* will not grant to be so much as *probable*.

137. The *second* thing, which touching *practise* I doe affirme, is, that this doctrine and position, That *Princes*, which be excommunicated or deprived by the Pope, may be deposed by their Subjects or any other, to omit now the word [*murthered*] is an *impious* and *damnable* doctrine, and in what sense it may be called *hereticall*, as also whether by *vertue* of the words both parts of that *disiunctive* position contained in the oath are abiured alike, and whether there be the same reason, that the *deposing*, and *murthering* of Princes should be abiured alike, I haue sufficiently declared before. Whereby it may also appeare, that my doctrine bringeth no danger at all to his *Maiesstie*, as that of my *Adversaries* doth, but giueth great security both to his *Maiessties* person and State, as also I haue noted before in the Preface 7, which the Reader would quickly haue perceaued, if Mr. *Fitzherbert* had not guilfully, to disgrace mee with his *Maiesstie*, concealed the chiefest part of my answere and doctrine touching the security, which it gaue to his *Maiesstie*, for which cause hee hath laboured so much to haue my bookes forbidden, that the Reader may not see my answers and doctrine, but after that mangled, and lame manner, as hee is pleased to curtoll and disfigure them.

138. *Thirdly*, it is euident, saith Mr. *Fitzherbert*, that neither *Widdrington*, nor any man that followeth his doctrine, can lawfully sweare this clause of the oath, whereof wee treat: for no man can with safe conscience abjure, as *impious* and *hereticall*, any opinion, which
bee

nu. 61. & seq.

nu. 31.

hee shouldeth to be probable, as Widdrington granteth
our opinion to be.

139. But on the contrary part I say, that it is evident, that any man who followeth my doctrine, may lawfully sweare this clause of the oath, whereof wee treat: for any man may with safe conscience *abjure*, as *impious and hereticall*, that doctrine and position, which is truly as *impious and hereticall*: Neither doe I grant, that the doctrine and position contained in this clause of the oath, which, as you see, belongeth to *practise*, is *probable*, as my Aduersary vntruely affirmeth, but I acknowledge, that it is a *false, damnable, impious, and hereticall doctrine*, and that therefore it ought by all Catholikes to be *abhorred, detested, and abjur'd* so from *their hearts*, as I haue cleerely proued before: and as for the speculatiue doctrine of *deposing Princes*, I neither grant, nor deny it to be *probable*, nor meddle at all therewith, as being *impertinent*, as I haue often said, to proue that the oath may lawfully be taken.

• nu. 32.

140. Lastly, I conclude, saith M. Fitzherbert, that albeit there were no other thing in the oath to make it *unlawfull*, yet this onely clause might suffice to doe it. yea and ought to moue all Catholikes to refuse it. For surely he must be a Catholike of a strange conscience, that can perswade himselfe to detest, *abjure*, and *abhorre* from his heart, a doctrine that is taught by the best Catholike writers, ancient and moderne, and confirmed by the practise of the Catholike Church, and the authority of diuers Generall and Provinciaall Councells, as experience hath shewed for many hundreds of yeares. So as thou seest, good Reader, what Widdrington gaineth by his wrangling, seeing that the further he goeth, the further he intanglath himselfe still in an inextricable labyrinth of absurdities, whiles he seeketh to intangle the consciences of Catholikes in the snares of his pretended probabilities. And this shall suffice for this point.

141. But contrariwise I conclude, that this clause

is not sufficient to make the oath unlawfull, or to moue any Catholike to refuse the same. For surely he must be a Catholike of a strange conscience, and carried away with the like fanaticall zeale and bloody maxims, that the Powder-Traitors were, that can perswade himselfe, that the murdering of Princes, being excommunicated or deprived by the Pope, and the doctrine thereof, which is a part of that conditionall disjunctive proposition, abiured in this clause of the oath, ought not to be detested, abhorred and abiured from his heart: Neither was this doctrine euer taught before in the Church of God by any Catholike writer, ancient or moderne, or confirmed by the practise of the Catholike Church, or authority of any Generall or Prouinciall Councell.

142. And although the doctrine for the Popes power to depose Princes by way of sentence hath bene taught by many Catholike writers, and also practised by diuers Popes, onely since the time of Pope Gregory the seauenth, who was the first Pope, saith Onuphrins, that contrary to the custome of his ancestors, durst, I doe not say excommunicate, but also deprive Caesar himselfe (by whom if he was not chosen, he was at least confirmed) of his Kingdome and Empire: Arising not heard of before those times^b, yet considering that this doctrine hath not as yet bene defined by the Church, and consequently is not a certaine and decided point of faith, but hath euer bene, and is euen to this day vehemently impugned by many learned Catholikes, truely that Catholike must be a man either of a strange conscience, or of a weake vnderstanding, who considering the question touching the Popes power to depose Princes, to be disputable, and as yet not decided by the Church, for that there hath euer bene, saith Azor^c, a great controuersie betwixt Emperours and Kinges on the one part, and the Bishops of Rome on the other, touching this point) can perswade himselfe, that it is lawfull to depose, or thrust

^b See above
part 1. cap. 6.
nu. 24.

^c Azor.

thrust a King out of his Kingdome, which he lawfully possesseth, so long as the controuersie betwixt the Pope, and temporall Princes, touching this point remaineth vndecided.

143. For it is manifest, according to the knowne, and approued rule of the law, which is also grounded vpon the light of reason, that no man can lawfully be thrust out from the possession of that thing, which he rightfully and lawfully possesseth, vntill the controuersie betwixt him and his *Aduersary* touching that thing be decided by the Iudge. And for this reason, as I coniecture, Card. *Bellarmino*, and some fewe others of his *Society* haue of late yeares bene so vehement to make this doctrine for the *Popes* power to depose Princes to be a *Point of faith*, and not to be called in question by any Catholike, foreseeing belike that if they granted it to be *disputable*, and a thing in controuersie among Catholikes, they must consequently grant, that the *Popes* power to depose Princes, is onely *titulus sine re*, and can neuer be lawfully put in *practise*, much like to the *title* which one hath to a faire Pallace, whereof an other man is in possession, which neuerthelesse he shall neuer by *dispossessing* the other lawfully enioy, vntill the Iudge hath *decided* his *title*. And therefore the *practise* not onely touching the *murdering* of Princes excommunicated or depriued by the *Pope*, but also touching the *deposing* them, or *thrusting* them out of the possession of their kingdomes, and the doctrine thereof, may and ought by all good Catholikes to be *detested*, *abhorred*, and *abiured* from their *hearts*, although by *vertue of the words*, and by *force of the disiunctiue* coniunction [*or*] following the verbe [*may*] it sufficeth, as I shewed before, to abiure the whole *disiunctiue* position, as *hereticall*, that one onely part of the *disiunction* be abiured as *heretica* l.

144. So as thou seest, good Reader, both that the *probabilitie*, which I mainetaine, is not onely pretended

ded, but true and reall, and also to render backe Mr. Fitzherberts words, what he gaineth by his *wrang-ling*, and *concealing* the chiefe points of my opinion and doctrine, seeing that the further hee goeth, the further hee bewrayeth his want both of learning and sincerity, & *intangleth* himselfe still in an inextricable labyrinth of absurdities, whiles hee seeketh to intangle the consciences of Catholikes in the snares of his *pretended new Catholike faith*; which for that it is, end euer hath beene euen from the very first broaching thereof, impugned by learned Catholikes, as a new inuented doctrine, preiudiciall to the Soueraigntie of temporal Princes, and not acknowledged by any one of the ancient Fathers, cleerely conuinceth, that it is not *Catholike*. Neither can that man be accounted a true *Catholike*, who with *Catholike* faith, which cannot be subiect to error, beleueth that doctrine, which is doubtful, disputable, vncertaine, and not *Catholike*, as is this, which teacheth that the Pope hath power to depose Princes. And truly if I should perceiue my *Catholike* faith to rely and depend vpon so weak a ground and foundation, as is the Popes authority to depose Princes, or any other such like disputable question, I should scarce thinke my selfe to be a true *Catholike*, and to haue a true *Catholike* and supernaturall, but onely a *pretended Catholike*, and supernaturall faith.

145. By which also the iudicious Reader may easily coniecture, what manner of exceptions Mr. Fitzherbert can take against the other clauses of the oath, seeing that these obiections, which he hath made against this clause, which he only impugneth, notwithstanding that he vaunted in the beginning of this chapter, that he would proue my explication of this clause, to be a *frivolous euasion*, an *extravagant interpretation*, and also *absurd euen by my own grounds*, I haue evidently conuincd to be weake and vnfound, and himselfe by handling the matter so insufficiently, guiltfully, & bitterly, as he hath done

done (but farre more spitefully in the former chapters, charging me with coggng, scoffing, & gibing, for being absurd, ridiculous, foolish, malicious, impious, impudent, heretike and no good child of the Catholike Church, and vsing such like slaunders and disgracefull rearmes) to be void of learning, sincerity, charity, and also Christian modesty. And this may suffice also for this point.

FINIS!

6 NO 63



Faults escaped.

[In the Epistle, num. 9. l. 20. there. p. 14. l. 37. I confesse p. 19. l. 24. writt. p. 20. l. 23. reasons. p. 39. l. 4. Prisoners. p. 55. l. 10. Secular. & l. 34. the cause. p. 67. l. 9. lawes. p. 78. l. 12. to none. p. 80. l. 34. S. Dominick. p. 90. l. 4. Risenegrius. p. 100. l. first. p. 140. l. 5. bad bad. p. 144. l. 25. although. p. 145. l. 31. put out the comma. p. 148. l. 13. adde in the margent^m cap. 6. p. 158. l. 22. that Christian. p. 164. l. 25. intention. p. 175. l. 14. subject to the. p. 179. lin. 10. 11. the spirituall powey.

In the *Adiocynder* p. 13. l. 26. hereticall. p. 28. against the 18. line, adde in the margent. ^m num. 23. p. 41. l. 29. sense. p. 57. l. 21. but in the. p. 76. l. 35. may bee.

Courteous Reader, In the Appendix to my Supplication to the Popes Holinesse. Pag 123. L. 15. I affirmed M. Wilson, who made the English Martyrologe, wherein Fa. Garnet, and Fa. Holdcorne, are put for Martyrs, to bee a Iesuit: for that I was so informed by two credible persons. But because I haue heard since that one confidently auerre, that although he doth wholly depend upon the Iesuits, and is directed by them, yet he is not as yet a Iesuite in habit, I desire that the word [Iesuite] in that place thou wilt account for not written, and I haue caused it to be blotted out in the Booke which I sent to his Holinesse. But wherefore the Iesuites are desirous to haue certaine persons, who either by vow, or promise doe wholly depend on them, and are at their dispose, not to take their habit for a time, but to lue in the world like Lay-men, or Secular Priests, I shall perchance haue occasion to declare hereafter.